
NEW YORK STATE **REGISTER**

INSIDE THIS ISSUE:

- Standard Financial Aid Award Information Sheet for Institutions of Higher Education
- Registration of Manufacturers, Distributors, Wholesales, Various Retailers of Sparkling Devices
- Metropolitan Transportation Business Tax Surcharge

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on March 20, 2016
- the 45-day period expires on March 5, 2016
- the 30-day period expires on February 19, 2016

**ANDREW M. CUOMO
GOVERNOR**

**CESAR A. PERALES
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



The **New York State Register** (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The **New York State Register** is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

Rule Making Activities**Correction, State Commission of**

- 1 / Manner in Which Significant Correctional Facility Incidents are Reported to the Commission of Correction (A)

Criminal Justice Services, Division of

- 1 / Victims of Human Trafficking (P)

Environmental Conservation, Department of

- 2 / Incorporation by Reference of Federal NSPS and NESHAP Rules (A)

Financial Services, Department of

- 2 / Standard Financial Aid Award Information Sheet for Institutions of Higher Education (EP)

Health, Department of

- 3 / Computed Tomography (CT) Quality Assurance (A)

Homeland Security and Emergency Services, Division of

- 4 / Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices (E)
- 6 / Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices (RP)

Human Rights, Division of

- 8 / Gender Identity Discrimination (A)

Labor, Department of

- 10 / Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages (P)

Motor Vehicles, Department of

- 12 / Hearings for Persons Who Persistently Evade the Payment of Tolls (A)
- 12 / Use of the Vehicle Electronic Reassignment and Integrated Facility Inventory System (P)

Public Service Commission

- 14 / Proposal to Use Certain Deferred Credits to Offset Costs Associated with Incremental Capital Expenditures (P)
- 15 / Petition to Submeter Electricity (P)

Taxation and Finance, Department of

- 15 / Metropolitan Transportation Business Tax Surcharge (E)

Temporary and Disability Assistance, Office of

- 16 / Referrals of Human Trafficking Victims from Established Providers of Social or Legal Services (P)

Hearings Schedule for Proposed Rule Makings / 19**Action Pending Index / 21****Securities Offerings**

- 71 / State Notices

Advertisements for Bidders/Contractors

- 73 / Sealed Bids

Miscellaneous Notices/Hearings

- 77 / Notice of Abandoned Property Received by the State Comptroller
- 77 / Notice of Public Hearing

RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

State Commission of Correction

NOTICE OF ADOPTION

Manner in Which Significant Correctional Facility Incidents are Reported to the Commission of Correction

I.D. No. CMC-45-15-00024-A

Filing No. 5

Filing Date: 2016-01-05

Effective Date: 2016-01-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 7022.3, 7022.4, 7406.3, 7406.4 and 7508.2 of Title 9 NYCRR.

Statutory authority: Correction Law, sections 45(6), (6-b), (15) and 47(2)

Subject: Manner in which significant correctional facility incidents are reported to the Commission of Correction.

Purpose: To allow electronic filing of reportable incidents to the Commission of Correction.

Text or summary was published in the November 10, 2015 issue of the Register, I.D. No. CMC-45-15-00024-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Senior Attorney, New York State Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2021, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The agency received no public comment.

Division of Criminal Justice Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Victims of Human Trafficking

I.D. No. CJS-03-16-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend Part 6174 of Title 9 NYCRR.

Statutory authority: Executive Law, section 837(13); L. 2015, ch. 368, section 32

Subject: Victims of Human Trafficking.

Purpose: To conform to the “Trafficking Victims Protection and Justice Act,” as added by chapter 368 of the Laws of 2015.

Text of proposed rule: 1. A new subdivision (f) is added to section 6174.2 of 9 NYCRR to read as follows:

(f) *The term statutory referral source shall mean either (i) the law enforcement agency or district attorney’s office, or (ii) an established provider of social or legal services designated by the office, the Office for the Prevention of Domestic Violence, or the Office of Victim Services that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, refers such human trafficking victim to the division and the office for assessment as a State-confirmed human trafficking victim.*

2. Subdivision (a) of section 6174.3 of 9 NYCRR is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to be a [law enforcement agency or a district attorney’s office] *statutory referral source* to be a human trafficking victim, that agency or office shall notify the Human Trafficking Director and the Office on a form and in a manner prescribed by the Commissioner.

3. Subdivisions (e), (f) and (g) of section 6174.3 of 9 NYCRR are amended to read as follows:

(e) If the Human Trafficking Director determines that the person appears to meet the criteria for certification as a victim of a severe form of trafficking in persons, as defined in section 7105 of title 22 of the United States Code, or appears to be otherwise eligible for any Federal, State or local benefits and services, he or she shall immediately notify the Office in writing which shall thereafter notify the victim and the [referring law enforcement agency or district attorney’s office] *statutory referral source*, and the Office may assist the victim and [referring law enforcement agency or a district attorney’s office] *statutory referral source* in making services available to the victim.

(f) If the Human Trafficking Director determines that the person does not appear to meet the criteria for certification as a victim of a severe form of trafficking in persons, as defined in section 7105 of title 22 of the United

States Code, or does not appear to be otherwise eligible for any Federal, State or local benefits and services, he or she shall immediately notify in writing the victim, the [referring law enforcement agency or district attorney's office] *statutory referral source*, and the Office.

(g) The Human Trafficking Director shall issue to the victim, the Office, and [referring law enforcement agency or district attorney's office] *statutory referral source* a written explanation setting forth the basis for his or her determination within 10 business days of receipt of the referral.

4. Subdivision (c) of section 6174.4 of 9 NYCRR is amended to read as follows:

(c) The Commissioner, after consultation with the Office, shall issue a written response to the appellant, the Office, and the [referring law enforcement agency or district attorney's office] *statutory referral source* within 15 business days of receipt of the written appeal. If the Commissioner determines that the appellant does appear to either meet the criteria for certification as a victim of a severe form of trafficking in persons as defined in section 7105 of title 22 of the United States Code or be otherwise eligible for any Federal, State, or local benefits and services, the Office may assist the victim and [referring law enforcement agency or district attorney's office] *statutory referral source* in receiving services.

5. Section 6174.5 of 9 NYCRR is amended to read as follows:

The Division shall consult with the Office regarding the confirmation of human trafficking victims pursuant to Social Services Law, section 483-cc, including, but not limited to, the form and manner in which a [law enforcement agency or district attorney's office] *statutory referral source* shall refer a person who reasonably appears to be a human trafficking victim.

Text of proposed rule and any required statements and analyses may be obtained from: Natasha M. Harvin, Esq., NYS Division of Criminal Justice Services, Alfred E. Smith Building, 80 South Swan Street, Albany, New York 12210, (518) 457-8413, email: natasha.harvin@dcjs.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Consensus Rule Making Determination

The "Trafficking Victims Protection and Justice Act," as added by Chapter 368 of the Laws of 2015, amends Social Services Law § 483-cc (a), as added by Chapter 74 of the Laws of 2007, to provide that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, an established provider of social or legal services designated by the Office of Temporary and Disability Assistance, the Office for the Prevention of Domestic Violence or the Office of Victim Services, in addition to a law enforcement agency or district attorney's office, shall notify the Office of Temporary and Disability Assistance and the Division of Criminal Justice Services that such person may be eligible for or consents to services.

This proposal merely implements or conforms to the statutory provisions. Accordingly, the Division of Criminal Justice Services has determined that no person is likely to object to the rule as written.

Job Impact Statement

The "Trafficking Victims Protection and Justice Act," as added by Chapter 368 of the Laws of 2015, amends Social Services Law § 483-cc (a), as added by Chapter 74 of the Laws of 2007, to provide that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, an established provider of social or legal services designated by the Office of Temporary and Disability Assistance, the Office for the Prevention of Domestic Violence or the Office of Victim Services, in addition to a law enforcement agency or district attorney's office, shall notify the Office of Temporary and Disability Assistance and the Division of Criminal Justice Services that such person may be eligible for or consents to services.

This proposal merely implements or conforms to the statutory provisions. As such, it is apparent from the nature and purpose of the proposal that it will have no substantial adverse impact on jobs and employment opportunities.

Department of Environmental Conservation

NOTICE OF ADOPTION

Incorporation by Reference of Federal NSPS and NESHAP Rules

I.D. No. ENV-27-15-00004-A

Filing No. 2

Filing Date: 2016-01-05

Effective Date: 30 days after filing

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 200 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303 and 19-0305

Subject: Incorporation by reference of Federal NSPS and NESHAP rules.

Purpose: Incorporation by reference of Federal NSPS and NESHAP rules.

Text or summary was published in the July 8, 2015 issue of the Register, I.D. No. ENV-27-15-00004-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Steve Yarrington, NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: Air.Regis@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2018, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Department of Financial Services

EMERGENCY/PROPOSED

RULE MAKING

NO HEARING(S) SCHEDULED

Standard Financial Aid Award Information Sheet for Institutions of Higher Education

I.D. No. DFS-03-16-00003-EP

Filing No. 1150

Filing Date: 2015-12-31

Effective Date: 2015-12-31

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Addition of Part 421 to Title 3 NYCRR.

Statutory authority: Banking Law, section 9-w

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: I determined that it is necessary for the preservation of the general welfare that this regulation be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

This regulation is adopted as an emergency measure because time is of the essence. Banking Law Section 9-w requires schools to use a standard financial aid information letter in responding to all financial aid applicants for the 2016-2017 academic year and thereafter. Schools will be sending

award packages shortly and the regulations provide important clarity for schools adopting the newly published model financial aid information letter. In order to give schools sufficient time to comply, these rules are being adopted on an emergency basis.

Subject: Standard financial aid award information sheet for institutions of higher education.

Purpose: Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet.

Text of emergency/proposed rule:

PART 421

FINANCIAL AID AWARD INFORMATION SHEET

§ 421.1 Scope and application of this Part

Section 9-w of the Banking Law authorizes the superintendent to adopt rules and regulations for the implementation of a standard financial aid award letter.

§ 421.2 Definitions

For purposes of this Part, unless otherwise stated herein, terms shall have the same meaning as set forth in section 601 of New York State Education Law.

§ 421.3 Content and Delivery of Financial Aid Award Information Sheet On or After May 15, 2016

(a) In responding to an incoming or prospective student's financial aid application on or after May 15, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall provide the letter required in section 9-w of the Banking Law, hereby referred to as the "Financial Aid Award Information Sheet", in the form available at www.dfs.ny.gov/studentprotection.

(b) For purposes of the Financial Aid Award Information Sheet, the term "Campus" shall mean an institution affiliated with a single U.S. Department of Education Office of Postsecondary Education Identification code.

§ 421.4 Content and Delivery of Financial Aid Award Information Sheet Prior to May 15, 2016

(a) In responding to an incoming or prospective student's financial aid application prior to May 15, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall provide the Financial Aid Award Information Sheet in accordance with section 421.3 of this Part or satisfy the requirements in subsections 421.4(b) and 421.4(c) of this Part.

(b) Beginning on or before February 1, 2016, and ending on or after September 1, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall publish online an "Interim Period Financial Aid Award Information Sheet" in the form available at www.dfs.ny.gov/studentprotection.

(c) In responding to an incoming or prospective student's financial aid application before May 15, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall include in, or accompany with, the response a clear and conspicuous disclosure stating "Additional Information Including Estimated Cost of Attendance Can be Found On the Web Page Below" and setting forth the URL address of the webpage that includes a completed Interim Period Financial Aid Award Information Sheet. For responses to an incoming or prospective student's financial aid application between January 1, 2016 and February 1, 2016, this disclosure shall be provided by February 1, 2016.

(d) For purposes of the Interim Period Financial Aid Award Information Sheet, the term "Campus" shall mean an institution affiliated with a single U.S. Department of Education Office of Postsecondary Education Identification code.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 29, 2016.

Text of rule and any required statements and analyses may be obtained from: Max Dubin, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7232, email: FSLreg@dfs.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory Authority: The Superintendent of Financial Services' ("Superintendent") authority for the promulgation of this rule derives from

New York Banking Law § 9-w, which calls on the Superintendent to promulgate regulations implementing that section.

2. Legislative Objectives: The Legislature called on the Superintendent to issue this rule to implement New York Banking Law § 9-w, which requires all New York schools to use a uniform financial aid award letter. The Legislature mandated a uniform financial aid letter to give students a better understanding of the costs of a particular school and the options to pay for the education. The uniform letter will also help students to easily compare costs and financial aid options between schools.

3. Needs and Benefits: DFS consulted the New York State Higher Education Services Corporation for thoughts and challenges associated with implementing the form required in Banking Law § 9-w. The rule is required by New York Banking Law § 9-w. The rule provides needed guidance to institutions of higher education, including when and to whom schools must provide the financial aid award letter.

4. Costs: This rule does not create any additional costs to regulated parties or state and local governments. Any costs incurred by higher education institutions in implementing a standard financial aid award information sheet, including building any information technology infrastructure to generate and send the award sheets, were imposed by the Legislature by statute. No new costs are created by this rule, which simply implements New York Banking Law § 9-w.

5. Local Government Mandates: The rule does not create any new local government mandates.

6. Paperwork: There are no new paperwork requirements created by the rule.

7. Duplication: Some institutions of higher education have volunteered to, and in some cases are required, to use a standard student shopping sheet developed by the U.S. Department of Education when responding to financial aid applications. DFS consulted with U.S. Department of Education and designed a model shopping sheet that would meet federal and state requirements. New York schools already committed to using the federal form can add a supplement to their existing form to meet both requirements and avoid duplicative financial aid award information sheets.

8. Alternatives: No significant alternatives to the rule were considered.

9. Federal Standards: The rule does not exceed any federal standards.

10. Compliance Schedule: The proposed rule should not take any time to implement. The proposed rule is also being adopted as an emergency rule to take effect immediately in order to assist schools in implementing New York Banking Law § 9-w, which requires that schools provide specific information when responding to financial aid applicants for the upcoming school year.

Regulatory Flexibility Analysis

The rule will not impose any new adverse economic impact or reporting, record keeping or other compliance requirements on small businesses and local governments. The rule implements Banking Law § 9-w. Some of the covered educational institutions may be small businesses. Any costs or compliance requirements were created statutorily by the Legislature and this rule does not create any additional costs or requirements.

Rural Area Flexibility Analysis

The rule will not impose any new adverse economic impact on rural areas or reporting, record keeping or other compliance requirements on public or private entities in rural areas. The rule implements Banking Law § 9-w. Some of the covered educational institutions are located in rural areas. However, the rule does not impose any new costs or compliance requirements. Any costs or compliance requirements were created statutorily by the Legislature.

Job Impact Statement

The rule should have no adverse impact on jobs and employment opportunities in New York. The rule implements Banking Law § 9-w. It does not create any new burden or costs to businesses that are not already required by statute.

Department of Health

NOTICE OF ADOPTION

Computed Tomography (CT) Quality Assurance

I.D. No. HLT-18-15-00008-A

Filing No. 4

Filing Date: 2016-01-05

Effective Date: 2016-01-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 16.25; and addition of section 16.59 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

Subject: Computed Tomography (CT) Quality Assurance.

Purpose: To protect the public from the adverse effects of ionizing radiation.

Text or summary was published in the May 6, 2015 issue of the Register, I.D. No. HLT-18-15-00008-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Assessment of Public Comment

Public comments were submitted to the NYS Department of Health (DOH) in response to the regulation. The public comment period for this regulation ended on June 22, 2015. The Department received a total of 6 comments from 5 different individuals representing the medical physics community as well as comments from the Public Health and Health Planning Council members during the May 21, 2015 meeting.

The majority of the comments were from licensed medical physicists requesting clarification on specific wording or expressions used in the regulations.

COMMENT: A licensed medical physicist asked what types of CT equipment (diagnostic, simulator, dental cone beam, etc.) are covered by the annual audit requirement and what type of equipment is included in the accreditation requirement.

RESPONSE: The accreditation requirement applies to medical equipment used for diagnostic imaging. Therapy simulator, biopsy only and attenuation correction computed tomography units would not be covered by the accreditation requirement. Most of the other provisions would apply to all medical use equipment, but dental CBCT would not be required to meet the provisions of these regulations.

COMMENT: Several physicists asked where they could find the written definition of “under the direction of” used in section 16.59(d)(1).

RESPONSE: There is no formal definition for this term. The Department will issue updated guidance on CT QA requirements and will include additional clarifications at that time.

COMMENT: A licensed medical physicist asked if personnel who fit the ACR’s criteria (but who are not licensed as a medical physicist in NYS) would be able to test the CT unit during annual evaluations.

RESPONSE: New York State has licensed the practice of medical physics for about 15 years and has determined that certain activities described in these regulations must be performed by a licensed medical physicist. Where the regulations state that an activity must be performed “by a licensed medical physicist”, the individual performing the activity must actually be a licensed medical physicist. Other sections use the phrase “by or under the supervision of”, which allows non-licensed medical physicist to perform functions.

COMMENT: A licensed medical physicist asked if every misadministration (CT of a wrong patient, CT of a wrong body part) must be reported to the Department in writing. For those facilities other than Article 28 locations that are required to report to NYPORTS, the physicist further suggested that the regulations require that the facility record misadministrations and demonstrate corrective action, but that the facility need only report the misadministration if there is a high dose to the recipient (such as 5 rem whole body) or adverse effects are observed (such as hair loss or erythema).

RESPONSE: With respect to the reporting of all CT errors, this is required to ensure that the Department can improve its understanding of the frequency and nature of such errors. Article 28 facilities report all events in NYPORTS, while other facilities can make direct reports to BERP by fax, email, or letter.

COMMENT: A licensed medical physicist (LMP) asked what the term “evaluated” meant in section 16.59(e)(2)—specifically, whether it means performed or something else. The LMP also asked whether the section should state “only a licensed and qualified Medical Physicist (ACR) should be allowed to perform these annual QA tests and dose calibrations.”

RESPONSE: An LMP must evaluate the QA testing to determine if it is acceptable, but another individual may have actually made the measurements. The regulations do not reference specific accrediting body requirements since these vary and may change over time. NYS Education Law (Article 166) defines the requirements to practice as a physicist in NYS. Any questions of scope of practice should be directed to the State Education Department.

COMMENT: A licensed medical physicist asked if the NY State CT QA Guidelines should be an acceptable method for establishing a CT QA program. The commenter asked whether this rule now obviates the need to adhere to the Department of Health’s CT QA Guidelines.

RESPONSE: The requirements of 16.23(a) are still in place as referenced in 16.59(e)(1). The CT QA Guidelines will be updated to reflect changes that are in regulations, but the quality assurance program described in that guidelines are still required. These regulations are in addition to the requirements of 16.23.

COMMENT: A licensed medical physicist asked whether a radiologist is competent to write a quality assurance program.

RESPONSE: The radiologist has the final responsibility for patient imaging and is allowed to develop the quality assurance program if they are competent to do so.

COMMENT: A licensed medical physicist commented on 16.59(f)(5): “The dose received by a patient shall be recorded as organ dose.” The commenter asked how patient doses will be recorded because no scanners to date record patient dose, and because patient dose can only be estimated from dose to a phantom and utilization of very broad scaling factors.

RESPONSE: The wording of that section indicates that “reference dose delivered to a phantom or the dose received by a patient” must be recorded. The “dose delivered” that is being referred to in the following sentence can be either reference dose or actual dose.

COMMENT: A licensed medical physicist commented that with regards to the requirement of CT accreditation, that general hospital accreditation by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) does not meet the amendment’s requirement that the accrediting organization perform a review that includes the physical layout of the facility, policy and procedures, quality assurance and image assessment as it is related to CT. The commenter stated that there is a specific JCAHO accreditation that would mimic, for example, the American College of Radiology’s criteria.

RESPONSE: This is reflected in the language of the regulation 16.59(f)(7), which states that the accreditation must be in CT scanning or an equivalent as determined by the Department.

COMMENT: A licensed medical physicist commented that the proposed regulation states that CT specific misadministration does not use a dose threshold for CT errors, which is inconsistent with other diagnostic imaging error reporting.

RESPONSE: With respect to the reporting of CT errors without regard to patient dose, this is required to ensure that the Department can make a determination as to the frequency and nature of CT errors. Article 28 facilities report all events in NYPORTS, while other facilities can make direct reports to BERP either by fax, email, or letter.

COMMENT: A member of the Public Health and Health Planning Council commented that there have been discussions in the past about how difficult it is to come up with a cumulative radiation exposure dose because all the CT scans operate in slightly different ways. The member asked whether it would be possible within the context of these regulations to use the SHIN-NY or some other mechanism to keep track of patient dose.

RESPONSE: Currently CT scanners are not capable of tracking patient dose but rather use a reference dose. Reference dose can vary significantly from the actual patient dose due to patient size/weight. It is our understanding that the CT manufacturers are developing scanners that can input these variables to derive a patient dose. We plan to look at this issue when this capability becomes available.

COMMENT: A commenter asked if dose information is accessible to the ordering clinician or patient when they receive the results.

RESPONSE: The reference dose will be accessible, but a patient specific dose is not available. The actual dose can vary significantly from the reference dose.

Division of Homeland Security and Emergency Services

EMERGENCY RULE MAKING

Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices

I.D. No. HES-32-15-00002-E

Filing No. 1

Filing Date: 2016-01-04

Effective Date: 2016-01-04

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 225 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 156(20) and 156-h; L. 2014, ch. 477

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Executive Law section 156-h requires that the Office of Fire Prevention and Control promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. Registration is required prior to the legal sale of such sparkling devices. This rule includes the registration processes, fees and reporting requirements. Accordingly, this rule must be adopted on an emergency basis in order to ensure that such procedures are in effect to assure the public's safety and general welfare.

Subject: Registration of manufacturers, distributors, wholesalers, various retailers of sparkling devices.

Purpose: Establish the registration process, fees and reporting requirements related to sparkling devices.

Substance of emergency rule: PART 225

SPARKLING DEVICES

Section 225.1 Definitions

Establishes definitions of sparkling devices according to new statutory language. Establishes that "Sparkling Devices" are consumer fireworks for the purpose of the Uniform Fire Prevention and Building Code and National Fire Protection Association standard 1124 (2006).

Section 225.2 Registration

Requires every manufacturer, distributor, wholesaler, specialty retailer, or permanent retailer of sparkling devices to annually register with the Office of Fire Prevention and Control. Requires temporary (seasonal) retailers to register with the Office of Fire Prevention and Control each selling season. Establishes the registration process and related documentation required as part of the registration package.

Section 225.3 Fees

Establishes application fees; the revenue of which goes to the Office of Fire Prevention and Control to be used for firefighter safety and training programs as well as for the registration process, consistent with Executive Law § 156-h. A manufacturer, distributor, or wholesaler must pay an annual registration fee of \$5,000; a specialty retailer must pay an annual registration fee of \$2,500; a permanent retailer must pay an annual registration fee of \$200 for each location; and a temporary seasonal retailer must pay a registration fee of \$250 per season for each location.

Section 225.4 Certification

The Office of Fire Prevention and Control is responsible to issue a certification valid for one year to manufacturers, distributors, and wholesalers. Certificates issued to temporary seasonal retailers will be valid for 30 days before through 30 days after the dates of the selling season specified in General Business Law § 392-j. Non-compliance with any of the requirements set forth may result in a revocation of the certificate of registration, as determined by the Office of Fire Prevention and Control. Revocation shall remain in effect until the manufacturer, distributor, wholesaler, specialty retailer, permanent retailer, or temporary seasonal retailer provides evidence of compliance acceptable to the Office of Fire Prevention and Control.

Section 225.5 Records and Reports

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the Office of Fire Prevention and Control, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Establishes the Office of Fire Prevention and Control's authority to inspect to assure compliance with the terms of registration/certification.

Section 225.6 Reporting of incidents

Requires manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers to report basic information regarding incidents of fires or explosions, including accidental discharge of sparkling devices that occur on premises, to the Office of Fire Prevention and Control within 24 hours if no injury or death; or within 1 hour, or as soon as practicable if injury or death is involved. The Office of Fire Prevention and Control is responsible to share information with local code enforcement officials, as appropriate.

Section 225.7 General Requirements

Requires posting of documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; a copy of any Federal Permit(s) (if applicable); a copy of the Insurance Certificate; and a copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

This notice is intended to serve only as a notice of emergency adoption.

This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HES-32-15-00002-EP, Issue of August 12, 2015. The emergency rule will expire March 3, 2016.

Text of rule and any required statements and analyses may be obtained from: Elisha S. Tomko, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Bldg. 7A, Albany, NY, (518) 474-6746, email: elisha.tomko@dhses.ny.gov

Regulatory Impact Statement

1. Statutory Authority

Section 156(20) of the Executive Law authorizes the Office of Fire Prevention and Control ("OFPC") to register the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices who wish to do business in New York State. Section 156-h of the Executive Law requires that the OFPC promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices.

2. Legislative Objectives

The legislative objective behind section 156(20) and section 156-h is to assure that the proper processes are in place prior to the sale of sparkling devices. Registration with the OFPC is required prior to the sale of such sparkling devices, pursuant to General Business Law 392-j.

3. Needs and Benefits

Section 156-h of the Executive Law requires that the OFPC promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices, to include the registration process and requirements, fees and reporting requirements.

4. Costs

The rule establishes application fees, consistent with section 156-h of the Executive Law. A manufacturer, distributor, or wholesaler must pay an annual registration fee of \$5,000; A specialty retailer must pay an annual registration fee of \$2,500; a permanent retailer must pay an annual registration fee of \$200 for each location; and a temporary seasonal retailer must pay a registration fee of \$250 per season to the OFPC for each location.

The cost to the OFPC for the implementation of the rule is approximately \$850,000 per year for administration, inspection and investigative costs. Section 156-h requires that revenue generated from registration fee payments must be used for firefighter safety and training programs as well as for the registration process.

In developing its cost estimates associated with the implementation and execution of the registration, inspection and investigation aspects of this new responsibility, the OFPC consulted with state fire marshal offices in other states that have recently legalized sparkling devices and/or consumer fireworks in an effort to learn what their work load experiences have been. OFPC extrapolated the data and applied it to its specific costs (i.e., personnel and equipment).

There will be no costs to local governments for the implementation of this rule.

5. Local Government Mandates

This rule will not impose any program, service, duty or responsibility upon local governments. This rule regulates the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices.

6. Paperwork

The OFPC will be required to develop and make available registration forms, certification forms, and a sparkling device safety pamphlet. Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the OFPC, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in this State. Retailers will be required to post documentation in each location of business, to include: copy of the OFPC certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the OFPC.

7. Duplication

At the time of this rule making, no rules or other legal requirements of the state or federal government exist which duplicate, overlap, or conflict with the rule.

8. Alternatives

The OFPC does not have statutory authority to consider any alternative other than to adopt a rule addressing these issues.

9. Federal Standards

Any person importing, manufacturing for commercial use, dealing in,

transporting or causing to be transported, or otherwise receiving certain fireworks must obtain an ATF Federal explosives license or permit for the specific activity. Federal explosives licensees and permittees must comply with all applicable regulations under 27 CFR, Part 555. Any person manufacturing consumer fireworks for commercial use must obtain a Federal explosives manufacturers license. This rule does not exceed or conflict with such requirements.

10. Compliance Schedule

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices can comply with the requirements of the rule once a city or county opts to legalize the sale and use of sparkling devices.

Regulatory Flexibility Analysis

1. Effect of rule

The rule does not affect local governments. The rule affects small businesses, including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices.

2. Compliance requirements

This rule does not impose any reporting, recordkeeping or other affirmative acts on local governments.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control ("OFPC"), records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Small business specialty retailers, permanent retailers, and temporary seasonal retailers will be required to post documentation in each location of business, to include: a copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; a copy of any Federal Permit(s) (if applicable); a copy of the Insurance Certificate; and a copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the Office of Fire Prevention and Control, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

3. Professional services

Neither local governments or small business affected by this rule will require professional services in order to comply with the rule.

4. Compliance costs

There would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500; Permanent retailer must pay an annual registration fee of \$200 for each location; and Temporary seasonal retailer must pay a registration fee of \$250 per season to the Office of Fire Prevention and Control for each location.

5. Economic and technological feasibility

The rule sets forth the registration and reporting requirements for small business manufacturers, distributors, wholesalers, and retailers of sparkling devices, both of which are economically and technologically feasible.

6. Minimizing adverse impact

The rule establishes the registration process for including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees contained in the rule are created by statute; therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

7. Small business and local government participation

Small business and local government did not participate in the emergency rulemaking process. Small business and local governments, through their respective associations, will be able to participate in the proposed rulemaking process.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The rule would apply to counties and cities, outside of New York City, that opted to legalize the sale and use of sparkling devices, including those located in rural areas as that term is defined in section 102(10) of the State Administrative Procedure Act ("SAPA").

2. Reporting, recordkeeping and other compliance requirements, and professional services:

This rule making will not impose any reporting, recordkeeping or other affirmative acts on local governments in rural areas.

In counties and cities, in rural areas, that opt to legalize the sale and use

of sparkling devices, manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control ("OFPC"), records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Specialty retailers, permanent retailers and temporary seasonal retailers will be required to post documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; copy of any Federal Permit(s) (if applicable); copy of the Insurance Certificate; and copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the Office of Fire Prevention and Control, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

In rural areas, professional services are not required to comply with the rule.

3. Costs:

In rural areas, there would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500; Permanent retailer must pay an annual registration fee of \$200 for each location; and Temporary seasonal retailer must pay a registration fee of \$250 per season to the Office of Fire Prevention and Control for each location.

4. Minimizing adverse impact:

The rule establishes the registration process for including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees, contained in the rule, are created by statute and therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

5. Rural area participation:

Representatives of rural areas did not participate in this emergency rulemaking process. Businesses and local governments, in rural areas, through their respective associations, will be able to participate in the proposed rulemaking process.

Job Impact Statement

1. Nature of impact

The nature of the impact that the rule will have on jobs and employment opportunities is expected to be minimal based on the seasonal/limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

2. Categories and numbers affected

The rule may result in part-time seasonal/temporary retail jobs in those counties and cities that have opted to legalize the sale and use of sparkling devices during the limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

3. Regions of adverse impact

The minimal impact that the rule will have on jobs and employment opportunities will not result in a disproportionate impact on any region of the State.

4. Minimizing adverse impact

The rule would not have any adverse impact on existing jobs.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Registration of Manufacturers, Distributors, Wholesalers, Various Retailers of Sparkling Devices

I.D. No. HES-32-15-00002-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Addition of Part 225 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 156(20) and 156-h; L. 2014, ch. 477

Subject: Registration of manufacturers, distributors, wholesalers, various retailers of sparkling devices.

Purpose: Establish the registration process, fees and reporting requirements related to sparkling devices.

Substance of revised rule: PART 225**SPARKLING DEVICES****Section 225.1 Definitions**

Establishes definitions of sparkling devices, consistent with Executive Law § 156-h and provides that “Sparkling Devices” are consumer fireworks for the purpose of application of the Uniform Fire Prevention and Building Code.

Section 225.2 Registration

Requires every manufacturer, distributor, wholesaler, specialty retailer, or permanent retailer of sparkling devices to annually register with the Office of Fire Prevention and Control (OFPC). Requires temporary (seasonal) retailers to register with the OFPC each selling season. Establishes the registration process and required documentation.

Section 225.3 Fees

Establishes application fees; the revenue of which goes to the OFPC to be used for firefighter safety and training programs as well as for the support of the registration process, consistent with Executive Law § 156-h. A manufacturer, distributor, or wholesaler must pay an annual registration fee of \$5,000; a specialty retailer must pay an annual registration fee of \$2,500 for each location; a permanent retailer must pay an annual registration fee of \$200 for each location; and a temporary seasonal retailer must pay a registration fee of \$250 per season for each location.

Section 225.4 Certification

The OFPC is responsible to issue a certification valid for one year to manufacturers, distributors, and wholesalers. Certificates issued to temporary seasonal retailers will be valid for the dates of sale, authorized in and limited by General Business Law § 392-j and Executive Law § 156-h. Non-compliance with any of the requirements set forth may result in a revocation of the certificate of registration, as determined by the OFPC. Revocation shall remain in effect until the manufacturer, distributor, wholesaler, specialty retailer, permanent retailer, or temporary seasonal retailer provides evidence of compliance acceptable to the OFPC.

Section 225.5 Records and Reports

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the OFPC, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Establishes the OFPC’s authority to inspect to assure compliance with the terms of registration/certification.

Section 225.6 Reporting of incidents

Requires manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers to report basic information regarding incidents of fires or explosions, including accidental discharge of sparkling devices that occur on premises, to the OFPC within 24 hours if no injury or death; or within 1 hour, or as soon as practicable, if injury or death is involved. The OFPC is responsible to share information with local code enforcement officials, as appropriate.

Section 225.7 General Requirements

Sets forth the dates of sale consistent with General Business Law § 392-j and Executive Law 156-h. Requires posting of documentation in each location of business, to include: copy of the Office of Fire Prevention and Control certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; and a copy of a sparkling device safety pamphlet produced by the Office of Fire Prevention and Control.

Revised rule compared with proposed rule: Substantive revisions were made in sections 225.2, 225.4 and 225.7.

Text of revised proposed rule and any required statements and analyses may be obtained from Elisha S. Tomko, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Bldg. 7A, Albany, NY 12242, (518) 474-6746, email: elisha.tomko@dhses.ny.gov

Data, views or arguments may be submitted to: Paul Martin, Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Bldg. 7A, Albany, NY 12242, (518) 474-6746, email: paul.martin@dhses.ny.gov

Public comment will be received until: 30 days after publication of this notice.

Revised Regulatory Impact Statement**1. Statutory Authority**

Section 156(20) of the Executive Law authorizes the Office of Fire Prevention and Control (“OFPC”) to register the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices who wish to do business in New York State. Section 156-h of the Executive Law requires that the OFPC promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices.

2. Legislative Objectives

The legislative objective behind section 156(20) and section 156-h of the Executive Law are to assure that the proper processes are in place prior to the sale of sparkling devices. Registration with the OFPC is required prior to the sale of such sparkling devices, pursuant to General Business Law 392-j.

3. Needs and Benefits

Section 156-h of the Executive Law requires that the OFPC promulgate rules regarding registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices, to include the registration process and requirements, fees and reporting requirements.

4. Costs

The rule establishes application fees, consistent with section 156-h of the Executive Law. A manufacturer, distributor, or wholesaler must pay an annual registration fee of \$5,000; A specialty retailer must pay an annual registration fee of \$2,500 for each location; a permanent retailer must pay an annual registration fee of \$200 for each location; and a temporary seasonal retailer must pay a registration fee of \$250 per season to the OFPC for each location.

The cost to the OFPC for the implementation of the rule is approximately \$850,000 per year for administration, inspection and investigative costs. Section 156-h requires that revenue generated from registration fee payments must be used for firefighter safety and training programs as well as for the support of the registration process.

In developing the cost estimates associated with the implementation and execution of the registration, inspection and investigation aspects of this new responsibility, the OFPC consulted with state fire marshal offices in other states that have legalized sparkling devices and/or consumer fireworks in an effort to learn what their work load experiences have been. OFPC extrapolated the data and applied it to its specific costs (i.e., personnel and equipment).

There will be no costs to local governments for the implementation of this rule.

5. Local Government Mandates

This rule will not impose any program, service, duty or responsibility upon local governments. This rule regulates the manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices.

6. Paperwork

The OFPC will be required to develop and make available registration forms, certification forms, and a sparkling device safety pamphlet. Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers shall maintain, and make available to the OFPC, records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in this State. Retailers will be required to post documentation in each location of business, to include: copy of the OFPC certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; and copy of a sparkling device safety pamphlet produced by the OFPC.

7. Duplication

At the time of this rule making, no rules or other legal requirements of the state or federal government exist which duplicate, overlap, or conflict with the rule.

8. Alternatives

The OFPC does not have statutory authority to consider any alternative other than to adopt a rule addressing these issues.

9. Federal Standards

Any person importing, manufacturing for commercial use, dealing in, transporting or causing to be transported, or otherwise receiving certain fireworks must obtain an ATF Federal explosives license or permit for the specific activity. Federal explosives licensees and permittees must comply with all applicable regulations under 27 CFR, Part 555. Any person manufacturing consumer fireworks for commercial use must obtain a Federal explosives manufacturers license. This rule does not exceed or conflict with such requirements.

10. Compliance Schedule

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices can comply with the requirements of the rule once a city or county opts to legalize the sale and use of sparkling devices.

Revised Regulatory Flexibility Analysis**1. Effect of rule**

The rule does not affect local governments. The rule affects small businesses, including manufacturers, distributors, wholesalers, specialty retailers, permanent retailers, and temporary seasonal retailers of sparkling devices.

2. Compliance requirements

This rule does not impose any reporting, recordkeeping or other affirmative acts on local governments.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control ("OFPC"), records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Small business specialty retailers, permanent retailers, and temporary seasonal retailers will be required to post documentation in each location of business, to include: a copy of the OFPC certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; and a copy of a sparkling device safety pamphlet produced by OFPC.

Small business manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to OFPC, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

3. Professional services

Neither local governments or small business affected by this rule will require professional services in order to comply with the rule.

4. Compliance costs

There would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, or wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500 for each location; Permanent retailer must pay an annual registration fee of \$200 for each location; and Temporary seasonal retailer must pay a registration fee of \$250 per season to OFPC for each location.

5. Economic and technological feasibility

The rule sets forth the registration and reporting requirements for small business manufacturers, distributors, wholesalers, and retailers of sparkling devices, both of which are economically and technologically feasible.

6. Minimizing adverse impact

The rule establishes the registration process for manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees contained in the rule are created by statute; therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

7. Small business and local government participation

Small businesses and local governments were given an opportunity to publically comment on the rule as part of the propose rulemaking. However, neither small businesses nor local governments participated in the public comment process. The OFPC has been responsive to inquiries from small businesses and local governments and provided assistance when requested.

8. The penalty for non-compliance with the requirements of the rule is revocation of registration. This revocation remains in effect until the manufacturer, distributor, wholesaler, specialty retailer, permanent retailer, or temporary seasonal retailer provides evidence of compliance. Revocation will only occur if and when an inspector identifies a violation of the requirements of this rule and the registrant is unable or refuses to comply with such. One purpose for the registration of manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices is to assure public safety (i.e. compliance with the fire safety codes), and therefore, the rule does not set forth a specific cure period; the length of revocation period will be dependent on the actions or inaction of the registrant.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The rule would apply to counties and cities, outside of New York City, that opted to legalize the sale and use of sparkling devices, including those located in rural areas as that term is defined in section 102(10) of the State Administrative Procedure Act ("SAPA").

2. Reporting, recordkeeping and other compliance requirements, and professional services:

This rule making will not impose any reporting, recordkeeping or other affirmative acts on local governments in rural areas.

In counties and cities, in rural areas, that opted to legalize the sale and use of sparkling devices, manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers will be required to meet registration requirements and maintain, and make available to the Office of Fire Prevention and Control (OFPC), records regarding the name and quantity of any sparkling devices produced in, imported to, exported from, or sold in New York. Specialty retailers, permanent retailers and temporary seasonal retailers will be required to post documentation in each location of business, to include: copy of the OFPC certification for such location; the list, as most recently published by the New York State Police, of counties and cities that have opted by local law to legalize the use of sparkling devices; and copy of a sparkling device safety pamphlet produced by the OFPC.

Manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers also need to report to the OFPC, any fire or explosion that results in injury or death within one hour of its occurrence or as soon as practicable.

Professional services are not required to comply with the rule.

3. Costs:

In rural areas, there would be no initial capital costs associated with compliance with the rule. The annual costs for continuing compliance are the required fees: a manufacturer, distributor, or wholesaler must pay an annual registration fee of \$5,000; Specialty retailer must pay an annual registration fee of \$2,500 for each location; Permanent retailer must pay an annual registration fee of \$200 for each location; and Temporary seasonal retailer must pay a registration fee of \$250 per season to the OFPC for each location.

4. Minimizing adverse impact:

The rule establishes the registration process for manufacturers, distributors, wholesalers, specialty retailers, permanent retailers and temporary seasonal retailers of sparkling devices. The fees, contained in the rule, are created by statute and therefore, the rule does not impose any adverse economic impact and no alternatives were considered.

5. Rural area participation:

Public and private sector entities, in rural areas, were given an opportunity to publically comment on the rule as part of the propose rulemaking. However, neither public nor private sector entities, in rural areas, participated in the public comment process. The OFPC has been responsive to inquiries and request for meetings, from public and private sector entities located in rural areas, and provided assistance when requested.

Revised Job Impact Statement

1. Nature of impact

The nature of the impact that the rule will have on jobs and employment opportunities is expected to be minimal based on the seasonal/limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

2. Categories and numbers affected

The rule may result in part-time seasonal/temporary retail jobs in those counties and cities that have opted to legalize the sale and use of sparkling devices during the limited selling season of June first and July fifth and December twenty-sixth through January second of each year.

3. Regions of adverse impact

The minimal impact that the rule will have on jobs and employment opportunities will not result in a disproportionate impact on any region of the State.

4. Minimizing adverse impact

The rule would not have any adverse impact on existing jobs.

Assessment of Public Comment

The agency received no public comment.

Division of Human Rights

NOTICE OF ADOPTION

Gender Identity Discrimination

I.D. No. HRT-44-15-00033-A

Filing No. 6

Filing Date: 2016-01-05

Effective Date: 2016-01-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 466.13 to Title 9 NYCRR.

Statutory authority: Executive Law, section 295.5

Subject: Gender Identity Discrimination.

Purpose: To clarify how gender identity discrimination may constitute either sex or disability discrimination under the Human Rights Law.

Text of final rule: A new Section 466.13 is added to read as follows:

466.13 Discrimination on the basis of gender identity.

(a) *Statutory Authority.* Pursuant to N.Y. Executive Law § 295.5, it is a power and a duty of the Division to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of the N.Y. Executive Law, article 15 (Human Rights Law).

(b) *Definitions.*

(1) Gender identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

(2) A transgender person is an individual who has a gender identity different from the sex assigned to that individual at birth.

(3) Gender dysphoria is a recognized medical condition related to an individual having a gender identity different from the sex assigned at birth.

(c) Discrimination on the basis of gender identity is sex discrimination.

(1) The term "sex" when used in the Human Rights Law includes gender identity and the status of being transgender.

(2) The prohibitions contained in the Human Rights Law against discrimination on the basis of sex, in all areas of jurisdiction where sex is a protected category, also prohibit discrimination on the basis of gender identity or the status of being transgender.

(3) Harassment on the basis of a person's gender identity or the status of being transgender is sexual harassment.

(d) Discrimination on the basis of gender dysphoria or other condition meeting the definition of disability in the Human Rights Law set out below is disability discrimination.

(1) The term "disability" as defined in Human Rights Law § 292.21, means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

(2) The term "disability" when used in the Human Rights Law includes gender dysphoria or other condition meeting the definition of disability in the Human Rights Law set out above.

(3) The prohibitions contained in the Human Rights Law against discrimination on the basis of disability, in all areas of jurisdiction where disability is a protected category, also prohibit discrimination on the basis of gender dysphoria or other condition meeting the definition of disability in the Human Rights Law set out above.

(4) Refusal to provide reasonable accommodation for persons with gender dysphoria or other condition meeting the definition of disability in the Human Rights Law set out above, where requested and necessary, and in accordance with the Divisions regulations on reasonable accommodation found at 9 NYCRR § 466.11, is disability discrimination.

(5) Harassment on the basis of a person's gender dysphoria or other condition meeting the definition of disability in the Human Rights Law set out above is harassment on the basis of disability.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 466.13(b)(2), (3), (d), (d)(2), (3), (4) and (5).

Text of rule and any required statements and analyses may be obtained from: Edith Allen, Administrative Aide, Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458, (718) 741-8398, email: eallen@dhr.ny.gov

Revised Regulatory Impact Statement

Nonsubstantial changes were made to the text of the adopted rule. Gender neutral language replaced the pronouns "him" and "her." In addition, it was clarified that any gender related condition meeting the definition of disability in the Human Rights Law necessarily would be covered under the disability provisions of the Human Rights Law. A revised RIS is not required because the nonsubstantial changes merely state the requirements under the disability provisions of the Human Rights Law.

Revised Regulatory Flexibility Analysis

Nonsubstantial changes were made to the text of the adopted rule. Gender neutral language replaced the pronouns "him" and "her." In addition, it was clarified that any gender related condition meeting the definition of disability in the Human Rights Law necessarily would be covered under the disability provisions of the Human Rights Law. A revised RFA is not required because the changes have no impact on the previously published RFA. The adoption of this rule, and these nonsubstantial changes, clarify the Division's practice and policy with regard to complaints of transgender individuals and do not impose any new requirements.

Revised Rural Area Flexibility Analysis

Nonsubstantial changes were made to the text of the adopted rule. Gender neutral language replaced the pronouns "him" and "her." In addition, it was clarified that any gender related condition meeting the definition of disability in the Human Rights Law necessarily would be covered under

the disability provisions of the Human Rights Law. A revised RAFA is not required because the changes have no impact on the previously published RAFA. The adoption of this rule, and these nonsubstantial changes, clarify the Division's practice and policy with regard to complaints of transgender individuals and do not impose any new requirements.

Revised Job Impact Statement

Nonsubstantial changes were made to the text of the adopted rule. Gender neutral language replaced the pronouns "him" and "her." In addition, it was clarified that any gender related condition meeting the definition of disability in the Human Rights Law necessarily would be covered under the disability provisions of the Human Rights Law. A revised JIS is not required because the changes have no impact on the previously published JIS. The adoption of this rule, and these nonsubstantial changes, will not have any adverse impact on jobs and employment opportunities.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

A Notice of Rule Making was published in the State Register on November 4, 2015. The Division of Human Rights (DHR or Division) received comments associated with the rule making during the public comment period. Many comments were supportive of the proposal, some were supportive but suggested various changes, and many were opposed. The major issues and concerns raised in the comments are summarized below. DHR's response is provided for each issue or concern.

Comment: The regulation should avoid the use of gendered pronouns.

Response: The final regulation as adopted has removed gendered pronouns.

Comment: The regulation should explicitly include other diagnoses in addition to gender dysphoria, including transsexualism, gender identity disorder, intersex conditions or any other medical diagnosis stemming from having a gender identity different than that typically associated with one's sex assigned at birth.

Response: The final regulation as adopted has been amended to clarify that any individual who has a medical diagnosis or condition that meets the current statutory definition of disability set out in the HRL is protected from discrimination on that basis by the various disability provisions of the HRL, including employment, housing and places of public accommodation.

Comment: The definition of gender identity should be amended to ensure that individuals who do not identify as transgender, such as gender non-conforming individuals, continue to benefit from the protections under the Human Rights Law.

Response: It is unnecessary to include a specific reference to gender non-conforming individuals. Issues involving gender non-conforming individuals is addressed by the existing law on sex stereotyping, which is a well-established aspect of sex discrimination law. See the Division's Regulatory Impact Statement for further detail on sex stereotyping.

Comment: The regulation should provide more specific guidance on what types of actions would be considered sex or disability discrimination as they pertain to gender identity, gender expression, or gender dysphoria.

Response: Whether conduct constitutes discrimination or harassment is a fact-intensive inquiry that depends on the circumstances of a case and the applicable legal standards. Pursuant to the statutory language of the HRL, in the area of employment, individuals are entitled to equal treatment with regard to hiring, firing, compensation, or in terms, conditions or privileges of employment. Exec. L. § 296.1. In the area of housing, individuals are entitled to equal access to buy, rent, lease, or otherwise access housing, and to equal terms, conditions or privileges of the sale, rental or lease of housing. Exec. L. § 296.2-a and § 296.5. In the area of public accommodations, individuals may not be denied an accommodation, or the advantages, facilities or privileges thereof, or be subject to statements or other behavior indicating that any protected characteristic of an individual is unwelcome, objectionable or not acceptable, desired or solicited. Exec. L. § 296.2. In addition, the HRL provides that reasonable accommodation for persons with disabilities is specifically required in all of these areas. Exec. L. §§ 296.2(c)-(e), 296.2-a(d); 296.3, 296.18.

Comment: The regulation should provide specific guidance on what types of accommodations are needed by persons with gender dysphoria.

Response: As noted above, whether a particular accommodation is reasonable is a fact-intensive inquiry that depends on the circumstances in a case, including the medical needs of the individual as documented by the person's medical professional(s), and applicable legal standards. In addition, guidance on determining reasonable accommodation in the employment context is provided by 9 NYCRR 466.11.

Comment: The regulation should make explicit reference to "sex stereotyping."

Response: It is unnecessary to include a specific reference to sex stereotyping, which is a well-established aspect of sex discrimination law. See the Division's Regulatory Impact Statement for further detail on sex stereotyping.

Comment: The regulation should explicitly state that "actual or perceived" and/or "past or present" gender dysphoria is included.

Response: The definition of gender identity includes reference to "perceived" gender identity. With regard to gender dysphoria, or other condition meeting the statutory definition of disability set out in the HRL, the definition of "disability" under the HRL includes "a condition regarded by others as" a disability. Thus, all perceived disabilities, including perceived gender dysphoria, entitle the individual to the protection of the disability provisions. Also, the definition of disability under the HRL includes having "a record of" a disability, thus including those with a history of gender dysphoria (or other disability) regardless of whether the individual currently has a disability.

Comment: The regulation should explicitly include "gender expression" in addition to "gender identity."

Response: The regulation's definition of gender identity includes "expression." Variations in gender expression are an issue that is addressed by the existing law on sex stereotyping.

Comment: Various commenters suggested changes to the definition of gender identity (at (b)(1)), and to the explanations of the meaning of "sex" (at (c)(1)) and "disability" (at (d)(2)).

Response: Some suggested changes were stylistic rather than substantive. Some were substantive and advocated broader definitions and more inclusive language. The regulation has been written to state the protections afforded by current discrimination law. Some of the suggested changes may be encompassed in current law, and some of these have been specifically addressed elsewhere in this document. Others may go beyond current law, and should be addressed only on a case-by-case basis under current law, and/or should be determined by the legislature.

Comment: Some commenters suggested the addition of specific language relative to the purpose of the regulation.

Response: The purpose of the regulation, as explained fully in the accompanying Regulatory Impact Statement, is to clarify, consistent with interpretation by New York Courts and the Division's practice and policy, that the Human Rights Law's prohibition against sex discrimination includes discrimination based on gender identity and the status of being transgender, and the prohibition against disability discrimination includes discrimination based on gender dysphoria.

Comment: This regulation is ambiguous and unclear; imposes burdensome new costs and mandates upon employers; misinterprets existing law; and exceeds the Division's authority.

Response: The rule clarifies the Division's practice and policy with regard to complaints of transgender individuals. As set out in the Division's Regulatory Impact Statement, the Division's practice and policy are entirely consonant with the case law that has developed in this area with regard to the statutory prohibitions against sex and disability discrimination set out in the HRL. As these requirements already exist, there are no new costs or mandates. Pursuant to Executive Law § 295.5, it is a power and a duty of the Division to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of the HRL.

Comment: The proposed regulation would force New York employers to change their workplaces to accommodate cross-dressing employees and would make businesses liable for supposed transgressions upon a civil right to "gender identity or expression."

Response: As noted above, the implementation of this rule clarifies the Division's practice and policy with regard to complaints of transgender individuals on the bases of sex and/or disability provisions of the HRL and imposes no new liabilities on employers or businesses.

Comment: The Division of Human Rights lacks the authority to revise the definitions of "sex" and "disability" set forth in the HRL.

Response: As noted above, this rule clarifies the Division's practice and policy with regard to complaints of transgender individuals, in accordance with the interpretation by New York courts of the sex and disability provisions of the HRL. There are no revisions to the definitions of "sex" and "disability."

Comment: The proposed rule will compromise the privacy and safety of females, undermine the rights of females to have space free from males and permit intact biological males to have access to women's restrooms and locker rooms.

Response: As noted above, the HRL prohibits sex and disability discrimination in employment, housing and places of public accommodation, and this rule clarifies how persons falling within those bases are protected by the Law. Only persons who meet the standards of the HRL are protected. General conjecture or speculation that the provisions might be misused cannot trump this legitimate need for protection from unlawful discrimination. No examples were given of such misuse in any jurisdiction in the United States where gender identity protection has been adopted.

Comment: The proposed rule would adopt a definition of "gender identity" that is entirely subjective. The proposed definition of "gender identity" does not require any objective proof. Gender identity should be defined as "a person's identification with the sex opposite her or his physiology or assigned sex at birth, which can be shown by providing evidence including, but not limited to, medical history, care or treatment of a transsexual medical condition, gender dysphoria, or related condition, as deemed medically necessary by the American Medical Association or American Psychiatric Association."

Response: The HRL defines disability broadly. It includes, but is not limited to, impairments or conditions that are "demonstrable by medically accepted clinical or laboratory diagnostic techniques." The definition also includes any condition that is "regarded by others as such an impairment" or "a record of such an impairment." Requiring objective proof, as part of the definition of disability, would place an additional burden on persons with gender dysphoria in establishing the status of having a disability that is not required under the HRL for other kinds of disabilities. The existence of the disability claimed in any particular case (or its perception or record) may be part of evidence required to prove a discrimination claim when a case is filed under the HRL, but requiring a different standard to meet the definition of disability would alter the legislatively imposed definition of disability, and would be beyond the Division's regulatory authority.

Comment: The proposed rule is inconsistent with the holding in State Div. of Human Rights ex rel. Johnson v Oneida County Sheriff's Department, which recognized a right to privacy on the basis of sex. Also, the HRL provides an exception that rooming houses may be limited to only one sex, and that the Division may grant exemptions for single sex public accommodations based on public policy considerations.

Response: The resolution of issues involving sex-based privacy, in the narrow circumstances in which it may be available, would be considered as part of the legal analysis of a sex discrimination claim and will be determined on a case-by-case basis. All existing law on this subject will be relevant to such resolutions, which will also involve the recognition that gender-identity discrimination is sex and/or disability discrimination.

Comment: Gender identity should not be included in the definition of "sex," as "gender identity" is wholly different from sex and, instead, is more analogous to sex stereotypes.

Response: Consistent with the case law cited in the accompanying Regulatory Impact Statement, the Division has interpreted the term "sex" as encompassing "gender identity."

Comment: Protections for the disabled under the HRL are aimed at seeking modifications of policies and was created specifically to address the legitimate needs of persons with disabilities. The disability basis should not be misused by those seeking legal protections for non-disability situations.

Response: Not all persons claiming gender identity discrimination allege that they are disabled within the meaning of the HRL. However, those who do, and who meet the HRL definition, are protected by the Law's disability provision.

Comment: Including gender identity under the category of "disability" is a serious threat to the religious liberty of religious organizations.

Response: The HRL contains exemptions for religious institutions at Executive Law § 296(11) and § 292(9). Moreover, enforcement of the HRL's prohibition against employment discrimination is circumscribed by the "ministerial exception" that the Supreme Court articulated in Hosanna-Tabor Evangelical-Lutheran Church and School v. EEOC (U.S. 2012).

Department of Labor

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages

I.D. No. LAB-03-16-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 194 to Title 12 NYCRR.

Statutory authority: Labor Law, sections 21, 194 and 199

Subject: Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages.

Purpose: This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees.

Text of proposed rule: Part 194 Pay Equity**Subpart-1 General Provisions****§ 194-1.1 Prohibited Practices**

No employer shall prohibit an employee from inquiring about, discussing, or disclosing the wages of such employee or other employee, except as otherwise provided herein.

§ 194-1.2 Definitions

For the purposes of this part:

(a) The terms employee and employer shall be as those terms are defined in Section 190 of the Labor Law.

(b) Consent shall mean an express, advance, authorization given voluntarily by the employee, and consent may be withdrawn by an employee at any time.

194-1.3 Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages

An employer may, in a written policy provided to an employee either electronically, through publicly available posting, or by paper copy, place reasonable limitations on the time, place and manner that an employee may inquire about, discuss, or disclose wages. Such limitations must be justified without reference to the content of the regulated speech, narrowly tailored to serve a significant interest, and leave open ample alternative channels for the communication of information. An employer shall not impose restrictions on employees in such a way that unreasonably prohibit inquiry, discussion, or disclosure of wages at the worksite and/or during work hours, directly or in practice. An employer may prohibit an employee from discussing or disclosing the wages of another employee unless the other employee provides verbal or written consent, either directly or indirectly. An employer may not avail itself to the affirmative defense contained in Section 194(4)(c) of the Labor Law, unless the employer can demonstrate that the written policy was provided to the relevant employee(s) in accordance with this Part. Copies of written policies must be maintained by the employer during the period of the applicability and for six years following such period.

194-1.4 Federal and State Law

The provisions of this Part shall not be construed to diminish or waive any rights or obligations of any employee pursuant to any other law, regulation, or collective bargaining agreement.

194-1.5 Severability

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provisions or applications. To this end, the provisions of this Part are declared to be severable.

Text of proposed rule and any required statements and analyses may be obtained from: Michael Paglialonga, NYS Department of Labor, Building 12, State Office Campus, Room 509, Albany, NY 12240, (518) 457-4380, email: regulations@labor.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority: Labor Law §§ 21(11), § 194(4)(b), § 199.

Legislative Objectives: Sections 21(11) and 199 of the Labor Law provide the Commissioner with the authority to adopt regulations to carry out the provisions of the Labor Law. Section 194(4)(b) of the Labor Law directs the Commissioner to adopt standards for reasonable workplace and workday limitations on the time, place, and manner for inquiries, discussion of, or the disclosure of wages. This regulation sets forth such standards.

Needs and Benefits: This rulemaking is directed by the Legislature in Section 194 of the Labor Law, which was amended by Chapter 362 of the Laws of 2015, and provides employers with standards for limitations on inquiry, discussion, or disclosure of wages amongst employees. Employees will benefit significantly from the protections now afforded to the inquiry, discussion, or disclosure of wages.

Costs: The Department estimates that there will be no significant or direct costs to the regulated community to implement this rulemaking. The Department does not anticipate any significant increased costs as a result of this rulemaking.

Local Government Mandate: This rulemaking does not impose any mandate upon local governments or municipalities as they are excluded from the coverage of this rule.

Paperwork: This rulemaking does not impact any governmental reporting requirements currently required in either statute or regulation. Employers who have policies establishing limitations on the inquiry, discussion, or disclosure of wages will be required to communicate such policies in writing. Employers will also be required to maintain a copy of policies for

six years, consistent with the recordkeeping requirements in Article 6 of the Labor Law.

Duplication: This rulemaking does not duplicate, overlap or conflict with any other State or federal requirements.

Alternatives: There were no significant alternatives considered. The Department is carrying out the directive of the Legislature in adopting Chapter 362 of the Laws of 2015 amending Section 194 of the Labor Law.

Federal Standards: This rulemaking is unrelated to any Federal rule or standard.

Compliance Schedule: This rulemaking shall become effective upon publication of its adoption in the State Register.

Regulatory Flexibility Analysis

Effect of rule: This regulation sets forth standards for reasonable workplace and workday limitations on the time, place, and manner for inquiries, discussion of, or the disclosure of wages.

Compliance requirements: This rulemaking does not impact any governmental reporting requirements currently required in either statute or regulation. Employers who have policies establishing limitations on the inquiry, discussion, or disclosure of wages will be required to communicate such policies in writing. Employers will also be required to maintain a copy of policies for six years, consistent with the recordkeeping requirements in Article 6 of the Labor Law.

Professional services: No professional services would be required to effectuate the purposes of this rulemaking.

Compliance costs: This rulemaking will not impose any costs or impact local governments. The Department estimates that there will be no significant or direct costs to small businesses to implement this rulemaking. The Department does not anticipate any significant increased governmental costs as a result of this rulemaking.

Economic and technological feasibility: The rulemaking does not require any use of technology to comply.

Minimizing adverse impact: The Department does not anticipate that this rulemaking will adversely impact small businesses or local government. Since no adverse impact to small business or local government will be realized, it was unnecessary for the Department to consider approaches for minimizing adverse economic impacts as suggested in SAPA § 202-b(1).

Small business and local government participation: The Department will ensure that small businesses and local governments will have an opportunity to participate in the rule-making process. The Department will elicit input from small businesses and local governments during the public comment period.

Initial review of the rule pursuant to SAPA § 207: Initial review of this rulemaking shall occur no later than the third calendar year in which it is adopted.

For rules that either establish or modify a violation or penalties associated with a violation: While this rule does not establish a violation or modify a violation or penalties associated with a violation, it is worth noting that Chapter 362 of the Laws of 2015, which directs the promulgation of this rule, increases liquidated damages for violations associated with this rulemaking to 300 percent of the wages found to be due.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The Department of Labor (hereinafter "Department") anticipates that the adoption of this rulemaking will have a positive or neutral impact upon all areas of the State; there is no adverse impact anticipated upon any rural area of the State resulting from this rulemaking.

2. Reporting, recordkeeping and other compliance requirements: This rulemaking does not impact any governmental reporting requirements currently required in either statute or regulation. Employers who have policies establishing limitations on the inquiry, discussion, or disclosure of wages will be required to communicate such policies in writing. Employers will also be required to maintain a copy of policies for six years, consistent with the recordkeeping requirements in Article 6 of the Labor Law.

3. Professional services: No professional services will be required to comply with this rule.

4. Costs: The Department estimates that there will be no significant or direct costs on employers and their agents in rural areas in the State to implement this rulemaking. The Department does not anticipate any significant increased costs as a result of this rulemaking.

5. Minimizing adverse impact: The Department does not anticipate that the adopted changes will have an adverse impact upon any region of the state. As such, different requirements for rural areas were not necessary.

6. Rural area participation: The Department has ensured that employers from all regions of the State, including rural areas, will have an opportunity to participate in the rule-making process. The Department will continue to elicit input from members of the regulated community in rural areas during the public comment period.

Job Impact Statement

Nature of impact: The Department of Labor (hereinafter "Department") projects there will be no adverse impact on jobs or employment opportuni-

ties in the State of New York as a result of this proposed rulemaking. This rulemaking sets forth standards for reasonable workplace and workday limitations on the time, place, and manner for inquiries, discussion of, or the disclosure of wages.

Categories and numbers affected: The Department does not anticipate that this rulemaking will have an adverse impact on jobs or employment opportunities in any category of employment.

Regions of adverse impact: The Department does not anticipate that adoption of this rulemaking an adverse impact upon jobs or employment opportunities statewide or in any particular region of the State.

Minimizing adverse impact: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this rulemaking, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

Self-employment opportunities: The Department does not foresee a measureable impact upon opportunities for self-employment resulting from adoption of this rulemaking.

Initial review of the rule pursuant to SAPA § 207: Initial review of this rulemaking shall occur no later than the third calendar year in which it is adopted.

Department of Motor Vehicles

NOTICE OF ADOPTION

Hearings for Persons Who Persistently Evade the Payment of Tolls

I.D. No. MTV-46-15-00003-A

Filing No. 3

Filing Date: 2016-01-05

Effective Date: 2016-01-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 127 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215 and 510(3)(d)

Subject: Hearings for persons who persistently evade the payment of tolls.

Purpose: To hold hearings for persons subject to a registration suspension due to persistently evading the payment of tolls.

Text or summary was published in the November 18, 2015 issue of the Register, I.D. No. MTV-46-15-00003-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 526, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Assessment of Public Comment

The Department of Motor Vehicles received several comments in response to its proposed rulemaking regarding the suspension of registrations, after an opportunity to be heard, for those individuals who fail to pay tolls, fees and other charges. The DMV appreciates all of the comments submitted.

Comment: Three commenters expressed support for the regulation. Two of those, including State Senator David Carlucci, noted that the proposed fails to address the problem of out-of-state registrants who persistently evade paying tolls in New York State.

Response: The DMV agrees that the regulation does not address the issue of out-of-state registrants. As Senator Carlucci wrote, legislation permitting the DMV to enter into reciprocal agreements with other jurisdictions to address this matter is necessary.

Comment: Two commenters, one from Fairport, NY, expressed concern that the proposed rule would not afford due process to those registrants whose registrations could be suspended. One of the commenters explained her difficulties in resolving a dispute with a tolling authority.

Response: Prior to the DMV issuing a notice of hearing and pending suspension to the registrant, the tolling authority will have given the registrant ample opportunity to pay and/or dispute the tolls and fees. The registrant will have received multiple notifications from the tolling authorities about the outstanding tolls and fees. The DMV will only issue a notice of hearing and pending suspension if the registrant has not responded to the tolling authority's notices. The DMV will not suspend

the registration if the registrant requests a hearing before an Administrative Law Judge. If the registrant pays all outstanding tolls and fees prior to the hearing, the hearing will be cancelled and the suspension will not take effect.

If the registrant wishes to dispute a notice of non-payment from a tolling authority for any reason, including that his or her vehicle did not go through a tolling site on a specific date, such registrant will have the opportunity to do so prior to the matter being transferred to the DMV for appropriate action.

Comment: A commenter from Clinton Corners, NY expressed concerns about tolling authorities charging persons with rental or loaner vehicles.

Response: The proposed regulation would only apply to registered owners of the vehicles. Public Authorities Law section 2985(1) provides that that the owner of a leased or rental vehicle may provide the operator's information in order for the operator to be responsible for tolls incurred during their lease or rental period.

If a person rents a vehicle and is also an E-ZPass account holder, he/she may use their E-ZPass tag in a rental vehicle of the same class as their tag. If the person is not an E-ZPass account holder, they can choose to utilize the E-ZPass rental options available through the larger rental companies at the time of their car rental.

Nevertheless, if an E-ZPass account holder rents a vehicle and he/she adds the license plate of a rental vehicle to his/her account for use during a specified time, it is the E-ZPass account holder's responsibility to remove the license plate number from the account once the rental vehicle use is discontinued in order to prevent toll invoices or violations being issued. If the license plate is not removed from the account and a problem arises, the account holder should contact the tolling authority, via the NY Customer Service Center (CSC), who will work with the account holder to resolve the matter.

Comment: A commenter expressed concerns about: the suspension of the driver's license; a suspension for failure to pay a relatively small amount in tolls; whether the person may not know he or she has committed five or more violations; what happens if the E-ZPass transmitter may fail; and if there is sufficient notice about failure to pay.

Response: The proposed rule does not provide for the suspension of a driver's license, only a vehicle registration. The rule deals with persistent violators, even if such violations do not result in a significant amount of tolls owed. The proposed rule does accommodate failure of an E-ZPass transmitter. A registered owner of a vehicle will be aware of violations because toll invoices and / or violation notices will be mailed to the vehicle and provide such owner with the option to utilize the dispute/appeal process. This process allows for the opportunity to resolve notices based on issues with a transponder. There will be a minimum of two notices, with at least thirty days between each notice, prior to the tolling authority making a recommendation to DMV to suspend a registration.

Comment: A commenter suggests that all toll lanes should have arms that go up and down.

Response: The DMV appreciates the comment but it is outside the scope of this rule.

Comment: One commenter expressed frustration about being re-routed on a trip during the Pope's recent visit to the United States. She apparently had to pay tolls that she had not planned on paying.

Response: The DMV appreciates the comment but it is outside the scope of this rule.

Comment: A commenter writing on behalf of Enterprise, National and Alamo Rent-A-Car requested an amendment to the regulation stating that such amendment would not apply to a rental vehicle company "when any such company has in place, a transfer of responsibility protocol with a tolling authority relating to the non-payment of tolls."

Response: The Department appreciates this suggestion. However, the proposed language is not necessary because it represents the current practices and procedures of the tolling authorities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Use of the Vehicle Electronic Reassignment and Integrated Facility Inventory System

I.D. No. MTV-03-16-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of section 78.9 to Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 415

Subject: Use of the Vehicle Electronic Reassignment and Integrated Facility Inventory system.

Purpose: To require dealers to use the Vehicle Electronic Reassignment and Integrated Facility Inventory system.

Text of proposed rule: A new section 78.9 is added to read as follows:

78.9 Electronic recordkeeping and transmission of information related to the sale of vehicles

(a) Vehicle Electronic Reassignment and Integrated Facility Inventory system. Except as provided in subdivision (c) of this section, dealers are required to use the Vehicle Electronic Reassignment and Integrated Facility Inventory (VERIFI) system to transfer ownership of all vehicles and record vehicle sales. Dealers are required to:

(1) Sign a facility participation agreement with a vendor selected by the commissioner;

(2) Use the VERIFI system, as prescribed in the vendor's facility participation agreement;

(3) Electronically transmit the information set forth in the book of registry, records of paper MV-50 forms, and records of paper temporary certificates of registration;

(4) When an electronic MV-50 cannot be issued due to the nature of the sales transaction, such as a sale to a party in another state, use a paper MV-50 pursuant to the terms in the facility participation agreement, and record required data in the VERIFI system via the methods prescribed by the VERIFI facility participation agreement. Data recorded on any paper MV-50 must be entered into the VERIFI system no later than the time of issuance of the paper MV-50 to the buyer;

(5) Maintain an active and valid account with the VERIFI vendor, per the terms of the facility participation agreement, in order to issue electronic MV-50s and to receive and issue paper MV-50s. Failure to maintain an active and valid account with the VERIFI vendor and follow the procedures set forth in the facility participation agreement shall be a violation of this subdivision.

(b) Fees: The fee for each electronic Retail or Wholesale Certificate of Sale (MV-50 or MV-50W) shall be the same as the fee for the paper version of the form, as set forth in Vehicle and Traffic Law section 415(6). Dealers must pay a per transaction fee to the vendor, as set forth in the facility participation agreement.

(c) Exemptions:

(1) The Commissioner may, upon written request, in a form prescribed by the Commissioner, exempt a dealer from the requirement to use the VERIFI system as required by subdivision (a) of this section, provided the dealer:

(i) sells fewer than ten vehicles per year, and

(ii) has two or fewer dealer demonstration and/or transporter plates, and

(iii) is not enrolled in Dealer Partnering Program or a participant in the Dealer Plate Issuance Program, and

(iv) has not had a dealer registration suspended or revoked since the effective date of this section.

(2) Dealers granted an exemption under this section must sign a facility participation agreement with the vendor and pay the appropriate transaction fee for each sale of a vehicle. Within five (5) days of the date of sale of the vehicle, dealers must report required data recorded on an MV-50 or MV-50W to the vendor via paper or by telephone, as specified in the VERIFI facility participation agreement. Failure to maintain an active and valid account with the VERIFI vendor and follow the procedures set forth in the facility participation agreement shall be a violation of this subdivision and shall result in the withdrawal of any exemption previously granted to such dealer.

(3) If a dealer registration is suspended or revoked on or after the effective date of this section, any exemption granted to such dealer under this section shall be deemed void and of no effect.

(d) Exemption from Recordkeeping Regulations:

Notwithstanding any other provision of this Part, a dealer who has not been granted an exemption under subdivision (c) of this section, and who complies with the provisions of this section regarding the filing of records via the VERIFI system, shall be exempt from retaining and filing the paper record of the MV-50 form and the temporary certificate of registration for transactions conducted in the VERIFI system as set forth in this Part.

Text of proposed rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Data, views or arguments may be submitted to: Ida L. Traschen, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: Vehicle and Traffic Law (VTL) section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and

regulations that regulate and control the exercise of the powers of the Department. VTL section 415 controls the registration, rights and responsibilities of dealers. VTL section 415(6) provides that "[i]f the commissioner issues to dealers a document which is required to be used by a dealer to sell or transfer a vehicle, the fee for the issuance of each such document shall be five dollars."

2. Legislative objectives: Article 16 of the VTL authorizes the Commissioner of Motor Vehicles to regulate motor vehicle dealers. The objective of this Article is to allow dealers to conduct their business in an efficient manner, while granting the Commissioner regulatory authority to ensure that consumers are protected. This regulation, which requires the use of electronic recordkeeping and vehicle sales by dealers, accords with this legislative objective by increasing efficiencies for dealers and enhancing the Commissioner's ability to audit dealer compliance with laws and regulations.

3. Needs and benefits: The proposed rule is necessary to increase dealer efficiencies in tracking motor vehicle sales and to benefit consumers by enhancing the Department of Motor Vehicles' (DMV) and other entities' ability to ensure dealer compliance with laws and regulations.

Currently, New York State dealers maintain records of vehicle ownership, sales and dealer plate issuance through paper based processes. Dealers are required to 1) keep a paper inventory log of vehicles in their possession, 2) use paper MV-50s (Certificates of Sale) to transfer ownership of a vehicle owned or controlled by the dealer, and 3) issue paper temporary registrations. Dealers report that the paper inventory system is cumbersome, burdensome and outdated. In addition, they report that they lose money when the paper MV-50 must be voided due to dealer error when completing the form. The DMV charges five dollars per MV-50s, as required by VTL section 415(6).

These proposed amendments will require dealers to record vehicle sales through the Vehicle Electronic Reassignment and Integrated Facility Inventory (VERIFI) system. The Commissioner will select a vendor via the Request for Proposal/bidding process and such vendor will enter into agreements with dealers for the electronic transmission of information related to motor vehicle ownership and sales.

Under this regulation, NYS dealers, via the VERIFI system, will electronically record their vehicle inventory and transfer of ownership, eliminating the need for paper MV-50s. If an error is made while completing the electronic MV-50, the dealer will not have to void the entire document, but rather, will be able to make an immediate correction. Although the dealers will still have to pay five dollars for each electronic MV-50, their costs will decrease due to the reduction in voided documents. In addition, the DMV and other users of the MV-50s will be able to readily review the electronic MV-50s, and by running queries, more easily detect non-compliance and reduce fraudulent uses of these documents. Further, entities such as the New York State Tax & Finance Department will be able to use the electronic MV-50s to monitor compliance with sales tax collection laws. Currently, the Tax Department has to manually review hundreds of paper MV-50s to monitor sales tax compliance. With the use of electronic MV-50s, the Tax Department will be able to efficiently detect sales tax non-compliance through the use of system queries.

The Book of Registry, which records all vehicles in the dealer's inventory, will be maintained electronically, as will the logbook of plates issued by dealers. It is anticipated that this will be a web based system that could be accessed by designated facility employees. Further, many dealerships manage their inventory and sales through a Dealership Management System (DMS). The vendor will be required to provide connections to DMS system vendors so that these systems may integrate with VERIFI thereby creating time savings by pre-populating fields with data that dealers are already collecting in the DMS's.

Finally, the DMV recognizes that it may not be cost effective for dealers with small businesses (sell fewer than 10 vehicles annually) to participate in the electronic transaction and recordkeeping program. Therefore, section 78.9(c) carves out an exemption for such dealers.

4. Costs:

a. To regulated parties: The dealers will continue to pay the DMV five dollars for each MV-50, as required by VTL section 415(6). In addition, the dealers will pay the VERIFI vendor a fee for processing MV-50 transactions. Dealers will need a computer and a printer to process electronic transactions. The printer is needed to print a receipt for the customer. The regulation permits, but does not require, the dealer to pass along the cost to its customers.

b. Cost to the State, the agency and local governments: This proposed rule will have no fiscal impact on the DMV. DMV will contract with a vendor who will charge the dealers for processing electronic transactions. In addition, it will not impact local governments, since the regulation concerns electronic recordkeeping by dealers.

c. Source: The Department's Office of Vehicle Safety provided this information.

5. Local government mandates: The proposed rule will not impact local governments, since it concerns electronic recordkeeping by dealers.

6. Paperwork: The proposed rule will require dealers to electronically process motor vehicle sales and to maintain electronic records of their inventory.

7. Duplication: This proposed regulation does not duplicate or conflict with any State or Federal rule.

8. Alternatives: The Department sought comments from the New York State Automobile Dealers Association, the Greater New York Automobile Dealers Association, the Eastern New York Coalition of Automotive Retailers, the Rochester Automobile Dealers Association, the Syracuse Automobile Dealers Association, and the Niagara Frontier Automobile Dealers Association, regarding the proposed regulation.

The New York State Automobile Dealers Association noted that the proposed regulation would require the dealers to pay the VERIFI vendor a fee for each transaction. They requested that they be given the authority to pass the cost along to the dealer's customers. The proposed regulation does not prohibit a dealer from passing along the cost to its customers.

The Greater New York Automobile Dealers Association mistakenly assumed that the VERIFI system would generate a paper MV-50 for exempt dealers. This is not correct. The DMV will continue to issue paper MV-50s to exempt dealers and to non-exempt dealers; they will not be generated from the VERIFI system. Non-exempt dealers will use paper MV-50s because they will not participate in the VERIFI system. Non-exempt dealers will use paper MV-50s in connection with sales to out-of-state residents and in the event of an outage that renders the VERIFI system inoperable.

The Greater New York Automobile Dealers Association also noted that the proposed regulation could undermine their attempt to centralize recordkeeping processes. To the contrary, entry of MV-50 data into the VERIFI system could be done at a central location, as long as the entry is related to the specific facility that sold the vehicle.

9. Federal standards: The rule does not exceed any Federal standards.

10. Compliance schedule: The Department will work with the VERIFI vendor to create an implementation schedule, gradually absorbing dealers into this new program.

Regulatory Flexibility Analysis

1. Effect of rule: There are currently over 11,800 dealers in New York State, the majority of which are small businesses. This proposed regulation would have no impact on local governments.

2. Compliance requirements: These proposed amendments will require dealers to record vehicle sales through the Vehicle Electronic Reassignment and Integrated Facility Inventory (VERIFI) system. The Commissioner will select a vendor via the Request for Proposal/bidding process and such vendor will enter into agreements with dealers for the electronic transmission of information related to motor vehicle ownership and sales. NYS dealers, via the VERIFI system, will electronically record their vehicle inventory and transfer of ownership, largely eliminating the need for paper MV-50s.

3. Professional services: This regulation will require dealers to contract with the vendor who operates the VERIFI system.

4. Compliance costs: The dealers will continue to pay the DMV five dollars for each MV-50, as required by VTL section 415(6). In addition, the dealers will pay the VERIFI vendor a fee for processing MV-50 transactions. The regulation that would permit, but not require, dealers to pass along this cost to its customers. Dealers would need a computer and a printer to process electronic transactions. The printer is needed to print a receipt for the customer.

5. Economic and technological feasibility: The proposal is economically and technologically feasible for dealers to comply with because they will only need a computer and printer to connect to the VERIFI vendor. Most dealers already own such equipment.

6. Minimizing adverse impact: The Department sought comments from the New York State Automobile Dealers Association, the Greater New York Automobile Dealers Association, the Eastern New York Coalition of Automotive Retailers, the Rochester Automobile Dealers Association, the Syracuse Automobile Dealers Association, and the Niagara Frontier Automobile Dealers Association, regarding the proposed regulation.

The New York State Automobile Dealers Association noted that the proposed regulation would require the dealers to pay the VERIFI vendor a fee for each transaction. They requested that they be given the authority to pass the cost along to the dealer's customers. The proposed regulation does not prohibit the dealer from passing along the cost to its customers.

The Greater New York Automobile Dealers Association mistakenly assumed that the VERIFI system would generate a paper MV-50 for exempt dealers. This is not correct. The DMV will continue to issue paper MV-50s to exempt dealers and to non-exempt dealers; they will not be generated from the VERIFI system. Non-exempt dealers will use paper MV-50s because they will not participate in the VERIFI system. Non-exempt dealers will use paper MV-50s in connection with sales to out-of-state residents and in the event of an outage that renders the VERIFI system inoperable.

The Greater New York Automobile Dealers Association also noted that the proposed regulation could undermine their attempt to centralize

recordkeeping processes. To the contrary, entry of MV-50 data into the VERIFI system could be done at a central location, as long as the entry is related to the specific facility that sold the vehicle.

7. Small business and local government participation: See response to number 6 above.

Rural Area Flexibility Analysis and Job Impact Statement

A rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect rural areas or job development.

This proposed rule requires dealers to join the electronic VERIFI system through which they will record vehicle ownership and transfers, replacing the current paper-based system. This will have no disproportionate or adverse impact on rural areas or on job development.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposal to Use Certain Deferred Credits to Offset Costs Associated with Incremental Capital Expenditures

I.D. No. PSC-03-16-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid to use certain deferred credits to offset costs associated with incremental capital expenditures in its electric and gas tariff schedules.

Statutory authority: Public Service Law, section 66

Subject: Proposal to use certain deferred credits to offset costs associated with incremental capital expenditures.

Purpose: To consider the use of certain deferred credits to offset costs associated with capital expenditures and other related relief.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk or the Company) to retain up to \$41.266 million of deferred credits to offset revenue requirement associated with its proposed capital expenditures for its electric operations for the twelve months ending March 31, 2017 and up to \$83.064 million of deferred credits for the same purpose for the twelve months ending March 31, 2018. Under the Company's proposal, Section 43.5 of the General Information provisions of its electric tariff would need to be revised to permit the use of deferred credits arising from the Transmission Recovery Adjustment to offset a portion of the revenue requirement associated with the electric transmission-related revenue requirement for the twelve months ending March 31, 2017 and 2018. The Company's proposal would also permit it to retain up to \$8.360 million of deferred credits to offset the revenue requirement associated with its proposed capital expenditures for its gas operations for the twelve months ending March 31, 2017 and up to \$18.743 million of deferred credits for the same purpose for the twelve months ending March 31, 2018. The Company also proposes to modify its Gas Safety Metrics to require the Company to replace increased levels of leak prone pipe in order to avoid negative revenue adjustments. The Commission may adopt, modify, or reject, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0744SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Petition to Submeter Electricity

I.D. No. PSC-03-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering the Petition, filed by Longhouse Cooperative, to submeter electricity at 772 Elm Street Extension, Ithaca, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Petition to submeter electricity.

Purpose: To consider the Petition of Longhouse Cooperative to submeter electricity at 772 Elm Street Extension, Ithaca, New York.

Substance of proposed rule: The Commission is considering the Petition, filed by Longhouse Cooperative on December 17, 2015, to submeter electricity at 772 Elm Street Extension, Ithaca, New York, located in the service territory of New York State Electric and Gas Corporation. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0736SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Petition to Submeter Electricity

I.D. No. PSC-03-16-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering the Petition filed by 910 Fifth Avenue Corporation, to submeter electricity at 910 Fifth Avenue, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Petition to submeter electricity.

Purpose: To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York.

Substance of proposed rule: The Commission is considering the Petition, filed by 910 Fifth Avenue Corporation on December 1, 2015, to submeter electricity at 910 Fifth Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0695SP1)

**Department of Taxation and
Finance**

**EMERGENCY
RULE MAKING**

Metropolitan Transportation Business Tax Surcharge

I.D. No. TAF-03-16-00004-E

Filing No. 1151

Filing Date: 2015-12-31

Effective Date: 2015-12-31

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 9 to Title 20 NYCRR.

Statutory authority: Tax Law, subdivision First of section 171 and subdivision First of section 209-B; L. 2014, ch. 59, part A, section 7

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Specific reasons underlying the finding of necessity: Section 7 of Part A of Chapter 59 of the Laws of 2014 made certain changes that authorize the Commissioner to adjust the thresholds at which a corporation is deemed to be deriving receipts from activity in the Metropolitan Commuter Transportation District for purposes of imposing the metropolitan transportation business tax surcharge, after reviewing, at the end of each year, the cumulative percentage change in the consumer price index and adjusting such receipts thresholds if the consumer price index has changed by 10 percent or more since January 1, 2015 or since the date that the thresholds were last adjusted by the Commissioner, under paragraph (e) of subdivision (1) of section 209-B of the Tax Law.

These rules are being adopted on an emergency basis in accordance with the requirement that rules be adopted and effective as soon as practicable and consistent with the statutory requirement that employers must withhold amounts substantially equivalent to the tax reasonably estimated to be due for the taxable year. These rules are being adopted on an emergency basis in order to have the rates for Tax Year 2016 in place on January 1, 2016.

Subject: Metropolitan Transportation Business Tax Surcharge.

Purpose: To provide metropolitan transportation business tax thresholds and rate for tax year 2016.

Text of emergency rule: Section 1. Subchapter A of Title 20 of the Codes, Rules and Regulations of the State of New York is amended to add a new Part 9, entitled Metropolitan Transportation Business Tax Surcharge.

Section 9-1.1 Deriving Receipts Thresholds. [Tax Law, section 209-B(1)(a) and (e)]

(a) Pursuant to paragraph (e) of subdivision (1) of section 209-B of the Tax Law, the Commissioner of Taxation and Finance shall annually review the thresholds, set forth in subdivision (1) of section 209-B of the Tax Law, at which a corporation is deemed to be deriving receipts from activity in the Metropolitan Commuter Transportation District for purposes of imposing the metropolitan transportation business tax surcharge, and shall adjust such thresholds if the Commissioner finds that the cumulative percentage change in the Consumer Price Index since January 1, 2015, or since the thresholds were last adjusted, is 10 percent or more.

(b) In December of each year, the Commissioner shall ascertain the Consumer Price Index available at the end of the year from the United States Department of Labor, Bureau of Labor Statistics, as published during such month. If the Consumer Price Index has changed by 10 percent or more from the Consumer Price Index available on January 1, 2015, or since the thresholds were last adjusted, then the Commissioner shall adjust the receipts thresholds by the same percentage as the change in the Consumer Price Index and rounded up to the nearest \$1,000 level. The Commissioner shall publish on the Department's Web site the newly

adjusted receipts thresholds and such other information as may be deemed necessary and proper by the Commissioner.

Section 9-1.2 Tax Rate. [Tax Law, section 209-B(1)(a) and (f)]

(a) Pursuant to paragraph (f) of subdivision (1) of section 209-B of the Tax Law, the Commissioner of Taxation and Finance is authorized to determine the rate of the metropolitan transportation business tax surcharge for taxable years beginning on or after January 1, 2016, under paragraph (f) of subdivision (1) of section 209-B of the Tax Law.

(b) The metropolitan transportation business tax surcharge will be computed at the rate of 28 percent of the tax imposed under section 209 of the Tax Law for taxable years beginning on or after January 1, 2016 and before January 1, 2017. The rate used to compute the metropolitan transportation business tax surcharge, as determined by the Commissioner, will remain the same in any succeeding taxable year, unless the Commissioner, pursuant to the authority in paragraph (f) of subdivision (1) of section 209-B of the Tax Law, determines a new rate.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire March 29, 2016.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Tax Regulations Specialist I, Department of Taxation and Finance, Taxpayer Guidance Division, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.OConnell@tax.ny.gov

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the *Register* within 30 days of the rule's effective date.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

Office of Temporary and Disability Assistance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Referrals of Human Trafficking Victims from Established Providers of Social or Legal Services

I.D. No. TDA-03-16-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 765.1 and 765.2(d)-(e); renumbering of section 765.2(f)-(g) to section 765.2(g)-(h); and addition of section 765.2(f) to Title 18 NYCRR.

Statutory authority: Social Services Law, section 20(3)(d); L. 2015, ch. 368; L. 2011, ch. 24; L. 2007, ch. 74

Subject: Referrals of human trafficking victims from established providers of social or legal services.

Purpose: Conform State regulations to referral requirements of chapter 368 of the Laws of 2015.

Text of proposed rule: Section 765.1 is amended to read as follows:

§ 765.1 Scope.

The provisions of this Part shall govern the process and protocols for the Office of Temporary and Disability Assistance in assessing, and the social services districts in identifying, an individual as a State-confirmed human trafficking victim in New York State. In conjunction with the Division of Criminal Justice Services and Part 6174 of Title 9 NYCRR, the *Office of Victim Services*, and the *Office for the Prevention of Domestic Violence*, this Part shall also include defining the participant parties, the victim, the nature of the consultative role in the confirmation and appeal processes, and the process for required notifications, referrals and assistance to the prescribed parties.

§ 765.2 Definitions.

Subdivision (d) of § 765.2 is amended to read as follows:

(d) The term subject of referral shall mean a human trafficking victim referred by a statutory referral source under section [483-CC(A)] 483-

cc(a) of the Social Services Law to the division and the office for assessment as a State-confirmed human trafficking victim.

Subdivision (e) of § 765.2 is amended to read as follows:

(e) The term statutory referral source shall mean either (i) the law enforcement agency or district attorney's office, or (ii) an established provider of social or legal services designated by the office, the *Office for the Prevention of Domestic Violence*, or the *Office of Victim Services* that, as soon as practicable after a first encounter with a person who reasonably appears to be a human trafficking victim, refers such human trafficking victim to the division and the office for assessment as a State-confirmed human trafficking victim.

Subdivisions (f) and (g) of § 765.2 are re-lettered subdivisions (g) and (h), and a new subdivision (f) is added to § 765.2 to read as follows:

(f) The term established provider of social or legal services shall include public agencies, county or municipal governments, or any subdivisions thereof; not-for-profit corporations, including charitable organizations incorporated, registered and in good standing with the charities bureau of the New York State Attorney General's Office; faith-based organizations; and educational institutions.

(g) The term State-confirmed human trafficking victim shall mean a human trafficking victim referred by a statutory referral source who appears to meet the criteria for certification as a victim of a severe form of trafficking in persons pursuant to the federal Trafficking Victims Protection Act set forth in section 7105 of 22 U.S.C. (United States Code Annotated, Title 22, section 7105; Thomson West, West Headquarters, 610 Opperman Drive, Eagan, MN 55123. Copies may be obtained from the Office of Temporary and Disability Assistance, Public Information Office, 40 North Pearl Street, Albany, New York 12243-0001) or appears to be otherwise eligible for any Federal, State, or local benefits and services, in the judgment of the division, in consultation with the office and statutory referral source.

(h) The term case management provider shall mean [and] an entity under contract with the office pursuant to section [483-BB(B)] 483-bb(b) of the Social Services Law to provide services to certain State-confirmed human trafficking victims.

Text of proposed rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority:

Social Services Law (SSL) § 20(3)(d) authorizes the Office of Temporary and Disability Assistance (OTDA) to promulgate regulations to carry out its powers and duties.

Section 14 of Chapter 74 of the Laws of 2007 amended the Penal Law, the Criminal Procedure Law, the Correction Law, the SSL, and the Executive Law relating to human trafficking, and was amended by Chapter 24 of the Laws of 2011. Chapter 368 of the Laws of 2015 (the Trafficking Victims Protection and Justice Act) provides for the addition, amendment and/or repeal of any rule or regulation necessary for the timely implementation of the provisions of Article 10-D of the SSL. Chapter 368 of the Laws of 2015 will become effective on January 19, 2016.

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations and policies to improve the State's response to human trafficking by enhancing the protection of and assistance to victims of human trafficking. These statutes give OTDA the authority to promulgate regulations concerning the scope of entities authorized to refer a person who reasonably appears to be a human trafficking victim to OTDA and the New York State Division of Criminal Justice Services (DCJS) for confirmation as a victim of human trafficking.

3. Needs and benefits:

The proposed regulatory amendments to 18 NYCRR Part 765 would conform State regulations with Chapter 368 of the Laws of 2015, authorizing OTDA and DCJS to accept referrals of apparent human trafficking victims from established providers of social or legal services designated by OTDA, the Office for the Prevention of Domestic Violence (OPDV) or the Office of Victim Services (OVS). State regulations presently limit such referrals to law enforcement agencies and district attorneys throughout the State. The purpose of the proposed regulations is to also clearly define the participant agencies statutorily authorized to participate in the referral process. While the law will authorize referrals of apparent human trafficking victims by designated "established providers of social and legal services", the law lacks a statutory definition of the term. The proposed regulatory amendments would not only define the term "established provider of social or legal services" in State regulations, but would also clarify the rules for the designation of such providers.

4. Costs:

OTDA costs for personnel would remain the same as those currently in place — one Trafficking Coordinator staff position and one Program Manager staff position.

Costs to the social services districts (SSDs) would reflect the number of human trafficking victims served. Adult human trafficking victims who are United States (U.S.) citizens or nationals, qualified aliens, or persons residing under color of law (PRUCOL) would be eligible for benefits and services to the same degree as any other U.S. citizen or national, qualified alien, or PRUCOL, if otherwise eligible; unfortunately, however, it is impossible to cite definitively reliable estimates of the status of human trafficking victims who may be ultimately served by the SSDs. Therefore, the cost of additions to the local adult or family caseload resulting from implementation of the proposed regulatory amendments would be equivalent to additions to the caseload of any other citizen or qualified alien adult or families.

The appropriate SSD will be notified of all minors referred for confirmation, whether they are unaccompanied or are with their families, in accordance with current procedures. Unaccompanied minors will continue to be assessed by the SSD for services and benefit eligibility under current guidelines. As with adults, child welfare costs for minors placed in care resulting from the implementation of the proposed regulatory amendments would be equivalent to the costs for any other minor placed in a corresponding level of care.

5. Local government mandates:

The proposed regulatory amendments would not impose any new programs or requirements on the SSDs.

6. Paperwork:

The proposed regulatory amendments would not produce new form or reporting requirements, insofar as OTDA will continue to receive referrals via facsimile on the prescribed form. However, the prescribed form will be revised to include the newly-added statutory referral sources. Upon State confirmation of a human trafficking victim, the OTDA program office, the Bureau of Refugee and Immigrant Assistance (BRIA), will mail written notifications of confirmation to the referral source, the human trafficking victim, and the provider of services and benefits; these written notifications will be similar to each other, with only slight variations in the addressees. OTDA anticipates that, due to new referral sources, there may be an increase in the number of written notifications of confirmation upon implementation of the proposed regulatory amendments. These written notifications will serve to alert the locality that there is a person who may qualify for services in the SSD or under the State's Response to Human Trafficking Program. The proposed regulatory amendments would not impose additional obligations upon the SSDs.

7. Duplication:

The proposed regulatory amendments would not duplicate, overlap, or conflict with any existing State or federal regulations. Chapter 368 of the Laws of 2015 is designed, in part, to address human trafficking victims that have not yet been certified by the federal Office of Refugee Resettlement (ORR) as a victim of a severe form of human trafficking. The addition of "established legal and social service providers" as referral sources is designed to allow human trafficking victims access to vital services through those providers prior to federal certification. Therefore, there would be no duplication with regard to the identification of human trafficking victims or the confirmation or notification processes.

8. Alternatives:

The alternative to the proposed regulatory amendments would be to answer provider questions on the meaning of the "statutory referral source" on a case-by-case basis. However, this is not a viable option, because, under this alternative, the current State regulatory provision will not accurately reflect the statutory amendments contained in Chapter 368 of the Laws of 2015 upon the law's effective date of January 19, 2016.

9. Federal standards:

The proposed regulatory amendments would not conflict with federal standards governing the provision of services to victims of human trafficking. As indicated above, Chapter 368 of the Laws of 2015 is designed to address the needs of human trafficking victims prior to federal certification. Human trafficking victims whose status is confirmed by the State would be eligible for State benefits and services while they await federal certification, which oftentimes can be a lengthy process. Allowable expenditures by OTDA regional contractors for benefits and services are established at rates equivalent to, but not exceeding, those allowed for cash assistance recipients.

10. Compliance schedule:

The proposed regulatory amendments would be effective on the date the notice of adoption for this regulatory proposal is published in the New York State Register.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed regulatory amendments would not impact small busi-

nesses, but they may impact the 58 social services districts (SSDs) in New York State, as the SSDs will receive written notifications of certain individuals who may be eligible for services.

2. Compliance requirements:

While the SSDs may experience slight increases in referrals, the proposed regulatory amendments would not impose any additional compliance requirements upon small businesses or local governments.

3. Professional services:

The proposed amendments would not require SSDs to obtain additional professional services. The number of State-confirmed aliens or citizens who may have been eligible for services and benefits at SSDs since 2007 totals only 234 individuals. While this number may increase slightly upon implementation of the proposed regulatory amendments due to increased referral sources, based on the currently low number of referrals eligible for benefits at SSDs, the Office of Temporary and Disability Assistance (OTDA) believes it would be unlikely that SSDs would need to procure additional professional services and/or additional staffing unless particular SSDs experience significant caseload expansions.

4. Compliance costs:

The proposed regulatory amendments would not require additional compliance costs for small businesses or local governments. There would be no appreciable initial capital costs for SSDs, and continuing capital costs would be limited to those SSDs that experience significant future expansions of their caseloads of human trafficking victims.

5. Economic and technological feasibility:

Due to anticipated small caseloads Statewide, the difficulty in predicting the specific SSDs that may be affected by implementation of the proposed regulatory amendments, and the low technology requirements necessary for compliance with the proposed regulatory amendments upon implementation, OTDA believes that compliance with the proposed regulatory amendments is economically and technologically feasible.

6. Minimizing adverse impact:

OTDA anticipates that the minimal expectations for additional recording and reporting beyond that which is already required of SSDs, combined with the anticipated low caseloads, would minimize the potential adverse impacts on SSDs resulting from implementation of the proposed regulatory amendments.

7. Small business and local government participation:

OTDA plans to provide a General Information System (GIS) message release to the SSDs when Chapter 368 of the Laws of 2015 becomes effective on January 19, 2016. The GIS release will be posted to OTDA's internet website. SSDs will have an opportunity to provide comments to OTDA relative to the implementation of Chapter 368 of the Laws of 2015 (the Trafficking Victims Protection and Justice Act). OTDA will also provide SSDs with a contact at OTDA's Bureau of Refugee and Immigrant Assistance (BRIA) who will address any questions, concerns, or other issues relative to the implementation of Chapter 368 of the Laws of 2015 raised by the SSDs.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Potentially all rural areas of the State may be affected by the proposed regulatory amendments.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

No additional reporting or recordkeeping would be required by the rural social services districts (SSDs). SSDs already must receive written notification of any minor found in the SSD that has been referred to the New York State Division of Criminal Justice Services (DCJS) and the New York State Office of Temporary and Disability Assistance (OTDA) as a human trafficking victim. SSDs already must continue to receive written notification of any State-confirmed human trafficking victims who are United States (U.S.) citizens or nationals, qualified aliens, individuals determined to be persons residing under color of law (PRUCOL), or who have a satisfactory immigration status.

For all State-confirmed human trafficking victims referred to SSDs, the SSDs must continue to conduct the routine eligibility determination process that they do for all applicants. For all State-confirmed human trafficking victims, the SSDs must continue to prepare a Human Trafficking Victim Disposition Report and submit it to OTDA through the Bureau of Refugee and Immigrant Assistance (BRIA). For those human trafficking victims determined to be eligible and who are enrolled in services or benefit programs, including child welfare programs, the SSDs must then continue to follow the usual appropriate system reporting requirements.

The estimated number of qualified aliens, U.S. nationals, citizens, individuals determined to be PRUCOL, or individuals having a satisfactory immigration status whom would be confirmed as trafficking victims has been increasing since 2007, but remains comparatively low in rural areas. Minors in rural areas have also not been readily identified.

Rural SSDs may receive several referrals during the course of a year attributable to the additional referral sources, but, due to the comparatively

low numbers of human trafficking victims confirmed in rural areas since 2007, OTDA anticipates that the majority of rural SSDs would not experience significant increases in referrals. Consequently, OTDA does not anticipate that implementation of the proposed regulatory amendments would require rural SSDs to procure additional professional services and/or additional staffing unless particular rural SSDs experience significant caseload expansions.

3. Costs:

The regulated parties include OTDA and the SSDs. Costs to the SSDs in rural areas would be reflective of the number of individuals served by the rural SSDs. Adult human trafficking victims who are U.S. citizens or nationals, qualified aliens, or PRUCOL would be eligible for benefits and services to the same degree as any other U.S. citizen or national, qualified alien, or PRUCOL, if otherwise eligible. Therefore, the cost of additions to the local adult or family caseload resulting from implementation of the proposed regulatory amendments would be equivalent to additions to the caseload of any other citizen or qualified alien adult or families.

The appropriate rural SSD will be notified of all minors who are referred for confirmation, whether they are unaccompanied or are with their families, in accordance with current procedures. Unaccompanied minors will continue to be assessed by the rural SSD for services and benefit eligibility under current guidelines. As with adults, child welfare costs for minors placed in care resulting from the implementation of the proposed regulatory amendments would be equivalent to the costs for any other minor placed in a corresponding level of care.

4. Minimizing adverse impact:

OTDA anticipates that the minimal expectations for additional recording and reporting, beyond that already required of rural SSDs, combined with the anticipated low caseloads in rural SSDs, would minimize potential adverse impacts on rural SSDs resulting from the implementation of the proposed regulatory amendments.

5. Rural area participation:

OTDA plans to provide a General Information System (GIS) release to the rural SSDs when Chapter 368 of the Laws of 2015 becomes effective on January 19, 2016. The GIS release will be posted to OTDA's internet website. Rural SSDs will have an opportunity to provide comments to OTDA relative to the implementation of Chapter 368 of the Laws of 2015. OTDA will also provide rural SSDs with a contact at OTDA BRIA who will address any questions, concerns, or other issues relative to the implementation of Chapter 368 of the Laws of 2015 raised by the rural SSDs.

Job Impact Statement

A Job Impact Statement is not required for the proposed regulatory amendments. It is apparent from the nature and the purpose of the proposed regulatory amendments that they would neither substantially nor adversely impact upon jobs and employment opportunities in the State. Based on the current number of cases Statewide, it is expected that most local areas would not be affected by this rule and that any affected area would have minimal impact on employment. It is noted that the New York State Office of Temporary and Disability Assistance Bureau of Refugee and Immigrant Assistance will continue to employ one Human Trafficking Coordinator and one Human Trafficking Program Manager.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-51-15-00004-P	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	<p>Department of Environment Conservation, One Hunters Point Plaza, 47-40 21st St., Long Island City, NY—Feb. 8, 2016, 10:00 a.m.</p> <p>Department of Environment Conservation, 6274 E. Avon-Lima Rd., Avon, NY—Feb. 9, 2016, 1:00 p.m.</p> <p>Department of Environment Conservation, 625 Broadway, Public Assembly Rm. 129, Albany, NY—Feb. 11, 2016, 9:00 a.m.</p>
Long Island Power Authority		
LPA-02-16-00014-P	Dynamic load management programs including direct load control, peak shaving, and contingency load relief	<p>H. Lee Dennison Bldg., 100 Veterans Memorial Highway, Hauppauge, NY—Feb. 29, 2016, 10:00 a.m.</p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Feb. 29, 2016, 2:00 p.m.</p>
LPA-02-16-00015-P	Community distributed generation net metering, remote net metering, and size limits for fuel cells	<p>H. Lee Dennison Bldg., 100 Veterans Memorial Highway, Hauppauge, NY—Feb. 29, 2016, 10:00 a.m.</p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—Feb. 29, 2016, 2:00 p.m.</p>
State, Department of		
DOS-47-15-00016-P	State Energy Conservation Construction Code (the “Energy Code”)	<p>Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—Jan. 25, 2016, 10:00 a.m.</p> <p>Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Training Rm. 1A16, Hauppauge, NY—Jan. 26, 2016, 10:00 a.m.</p> <p>Hughes State Office Bldg., 333 E. Washington St., Main Hearing Rm. - 1st Fl., Syracuse, NY—Jan. 27, 2016, 10:00 a.m.</p> <p>Walter J. Mahoney State Office Bldg., 65 Court St., Hearing Rm. 4, Buffalo, NY—Jan. 28, 2016, 10:00 a.m.</p> <p>Department of State, 123 William St., Conference Rm. 231, New York, NY—Jan. 29, 2016, 10:00 a.m.</p>
DOS-47-15-00017-P	To adopt updated provisions for the Uniform Fire Prevention and Building Code (“Uniform Code”)	<p>Department of State, 99 Washington Ave., Conference Rm. 505, Albany, NY—Jan. 25, 2016, 10:00 a.m.</p> <p>Perry B. Duryea Jr. State Office Bldg., 250 Veterans Memorial Hwy., Training Rm. 1A16, Hauppauge, NY—Jan. 26, 2016, 10:00 a.m.</p> <p>Hughes State Office Bldg., 333 E. Washington St., Main Hearing Rm. - 1st Fl., Syracuse, NY—Jan. 27, 2016, 10:00 a.m.</p> <p>Walter J. Mahoney State Office Bldg., 65 Court St., Hearing Rm. 4, Buffalo, NY—Jan. 28, 2016, 10:00 a.m.</p>

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
-----------------	---------	----------------	-------------------

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-28-15-00003-P	07/14/16	Incorporate by reference in 1 NYCRR of the 2015 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2015 edition of NIST Handbook 133
AAM-32-15-00001-P	08/11/16	Petroleum products and delivery devices; exemption of maple syrup and honey producers from food processing	To repeal requirements relating to petroleum devices and products, and to maple syrup and honey producers

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-20-15-00004-P	05/19/16	Casework contact for foster children placed out of state	To conform NYS standards for casework contacts of foster children under age 18 who are placed out of state to federal standards
CFS-49-15-00005-P	12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation

CIVIL SERVICE, DEPARTMENT OF

*CVS-01-15-00023-P	01/07/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-11-15-00004-P	03/17/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-15-00005-P	05/12/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-15-00006-P	07/21/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-29-15-00007-P	07/21/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class

Action Pending Index**NYS Register/January 20, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-15-00009-P	07/21/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-29-15-00011-P	07/21/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00006-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00008-P	08/25/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00011-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00013-P	08/25/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00002-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00003-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00004-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00005-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00008-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00009-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00010-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00011-P	09/08/16	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-36-15-00012-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-36-15-00013-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00014-P	09/08/16	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-36-15-00015-P	09/08/16	Jurisdictional Classification	To delete positions/subheadings from and classify positions in the exempt class and delete positions from non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00017-P	09/08/16	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-36-15-00018-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00004-P	11/03/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-15-00005-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00007-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00009-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00013-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00015-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00016-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index**NYS Register/January 20, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00003-P	01/12/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00004-P	01/12/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-02-16-00005-P	01/12/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-02-16-00006-P	01/12/17	Jurisdictional Classification	To delete positions from the non-competitive class
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-35-15-00018-P	09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
CCS-52-15-00001-EP	12/29/16	Standards of Inmate Behavior; Institutional Rules of Conduct; Rule Series 113 Contraband	Provide clarification regarding the definition of a controlled substance for the purposes of this rule
CCS-52-15-00002-EP	12/29/16	Contraband Drugs	This proposal introduces a second testing system that may be utilized when testing for suspected contraband drugs
CCS-52-15-00003-P	12/29/16	Washington Correctional Facility	Amend the age for general confinement to 18 years and older
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-52-15-00018-P	12/29/16	Basic Course for Correction Officers	Set forth minimum standards/clear and specific requirements of a basic course for correction officers
CJS-03-16-00002-P	01/19/17	Victims of Human Trafficking	To conform to the "Trafficking Victims Protection and Justice Act," as added by Chapter 368 of the Laws of 2015

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-49-15-00002-EP	12/08/16	Employee Training Incentive Program	Establish procedures for the implementation of the Employee Training Incentive Program
EDUCATION DEPARTMENT			
EDU-10-15-00011-P	03/10/16	Off-premises delivery of prescription medications by New York resident pharmacies	To require pharmacies to obtain patient consent before automatically delivering new or refilled prescriptions
EDU-13-15-00021-P	03/31/16	Supplementary Teaching Certificates in Bilingual Education and English to Speakers of Other Languages (ESOL)	To provide additional pathways for teacher certification candidates to obtain supplementary bilingual education extension and the ESOL supplementary certificate, for a three year period to conclude on June 30, 2018
EDU-27-15-00008-ERP	07/07/16	School receivership	To implement Education Law section 211-f, as added by Part EE, Subpart H of Ch. 56 of the Laws of 2015
EDU-27-15-00019-ERP	07/07/16	Annual Professional Performance Reviews of Classroom Teachers and Building Principals	To Implement Subparts D and E of Part EE of Chapter 56 of the Laws of 2015
EDU-40-15-00009-EP	10/06/16	Graduate-level teacher and educational leadership programs.	To establish minimum admission standards for graduate level teacher and leader preparation programs and requirements
EDU-45-15-00013-EP	11/09/16	New York State Common Core Learning Standards (CCLS)	To provide additional opportunities for students who began grade 9 in 2013 to meet diploma requirements by passing either the Regents comprehensive Examination in English or the Common Core ELA examination at the January 2016 and June 2016 test
EDU-45-15-00014-P	11/30/16	Preschool special education programs and services	To enact requirements relating to appointment of 1:1 aide by Committee on Special Education (CSE); Special Education Itinerant Services (SEIS); related services; and standards for approved preschool providers
EDU-45-15-00015-P	11/09/16	Continuing education requirements for Licensed Marriage and Family Therapists	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-45-15-00016-P	11/09/16	Continuing education requirements for Licensed Creative Arts Therapists	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-45-15-00017-P	11/09/16	Continuing education requirements for Licensed Mental Health Counselors	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-45-15-00018-P	11/09/16	Continuing education requirements for Licensed Psychoanalysts	Implement mandatory continuing education requirements, establish standards for acceptable education and approval of providers
EDU-48-15-00007-EP	12/01/16	Instruction in Cardiopulmonary Resuscitation (CPR) and Use of Automated External Defibrillators (AEDs)	Provide limited exemption to students with disabilities from CPR/AED required instruction
EDU-48-15-00008-P	12/01/16	Licensing Examination Requirements for Dental Hygienists	To address a name-change by the testing agency for Part II of the licensing exam; and remove remedial education requirements

Action Pending Index**NYS Register/January 20, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-48-15-00009-EP	12/01/16	Extension and expansion of the Collaborative Drug Therapy Management (CDTM) Demonstration Program for Pharmacists	To implement Chapter 238 of the Laws of 2015 to extend and expand the CDTM program for pharmacists
EDU-49-15-00013-P	12/08/16	Voluntary institutional accreditation for Title IV purposes	To clarify existing standards and procedures that must be met by institutions of higher education seeking voluntary accreditation by the Board of Regents and the Commissioner of Education
EDU-52-15-00017-EP	12/29/16	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To implement the recommendations of the New York Common Core Task Force Report by establishing transition ratings for teachers and building principals during a four-year transition period for APPRs
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-04-15-00006-P	01/28/16	Regulations governing the recreational harvest of winter flounder	Extend the recreational winter flounder fishing open season from April 1 - May 30 to March 1 - December 31
ENV-19-15-00010-P	05/12/16	Fisher trapping seasons and bag limits and general trapping regulations for furbearers	Revise existing fisher seasons, establish a new season in central/western NY, update and clarify general trapping regulations
ENV-23-15-00008-P	07/28/16	Environmental Remediation - Brownfield Cleanup Program	To amend the Environmental Remediation Program regulations that pertain to the Brownfield Cleanup Program
ENV-24-15-00013-P	06/16/16	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a
ENV-34-15-00028-P	08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-44-15-00001-EP	11/03/16	Sanitary Condition of Shellfish Lands	To reclassify shellfish lands to prohibit the harvest of shellfish
ENV-45-15-00028-P	11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-50-15-00002-P	12/15/16	The management of black sea bass	Redefine the term trip limit to allow two fishers aboard a single vessel to possess and land the trip limit for black sea bass
ENV-50-15-00003-P	12/15/16	Atlantic Ocean surfclam management	To amend surfclam regulations to provide consistency with management measures of the Fishery Management Plan
ENV-50-15-00010-P	12/15/16	Aquatic Invasive Species Spread Prevention	To require that "reasonable precautions" are taken prior to placing watercraft into public waters to prevent the spread of AIS
ENV-51-15-00004-P	02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-52-15-00010-P	12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-18-15-00009-P	05/05/16	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-43-15-00004-P	10/27/16	Valuation of Individual and Group Accident and Health Insurance Reserves	To adopt the 2012 Group Long-Term Disability Valuation Table
DFS-50-15-00004-P	12/15/16	Regulating Transaction Monitoring and Filtering Systems maintained by banks, check cashers and money transmitters	To improve efficiency and transparency in the mortgage banker and mortgage broker licensing process
DFS-03-16-00003-EP	01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
GAMING COMMISSION, NEW YORK STATE			
SGC-39-15-00005-P	09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received
SGC-46-15-00004-P	11/17/16	To require claimant to indicate on claim form whether commission at claimant's expense shall test a claimed horse for drug use	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-46-15-00007-P	11/17/16	Requirement of specific minimum penalties for certain multiple medication violations	To enhance the integrity and safety of thoroughbred horse racing
SGC-48-15-00006-P	12/01/16	Per Se thresholds and related rule amendments for cobalt, ketoprofen, isoflupredone and albuterol	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-52-15-00005-P	12/29/16	Lottery subscription program	To better serve customers needs and preferences
SGC-52-15-00006-P	12/29/16	The manner in which prize payments are made	To better reflect customer and retailer preferences and the administrative needs of the Commission
SGC-52-15-00007-P	12/29/16	Prohibiting the administration of stanozolol to racehorses	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-52-15-00008-P	12/29/16	Suspension and revocation of a lottery agent's license	To revise the rules for the procedure and grounds for suspension and revocation of a lottery license for sales agents
SGC-01-16-00006-EP	01/05/17	The plan of operation for the Jockey Injury Compensation Fund	To effectuate the provisions of the Jockey Injury Compensation Fund in the absence of a plan of operation for 2016

Action Pending Index**NYS Register/January 20, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-08-15-00003-P	..... 02/25/16	Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance; Filing	To increase maximum age of reporting certain birth defects to the Congenital Malformations Registry
HLT-11-15-00019-P	..... 03/17/16	Standards for Individual Onsite Water Supply and Individual Onsite Wastewater Treatment Systems	Establishes minimum water quality standards for individual onsite water supply systems
HLT-16-15-00014-P	..... 04/21/16	Rate Rationalization – Prevocational Services, Respite, Supported Employment and Residential Habilitation	To establish new rate methodology effective July 1, 2015
HLT-30-15-00005-P	..... 07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-30-15-00006-P	..... 07/28/16	Medicaid provider enrollment	To make technical, conforming changes to regulations governing the enrollment of Medicaid providers of care, services and supplies
HLT-30-15-00007-P	..... 07/28/16	Reciprocal Emergency Medical Technician Certification Requirements	To replace the emergency medical technician-intermediate category with the advanced emergency medical technician category
HLT-30-15-00008-P	..... 07/28/16	Controlled Substances for EMS Agency Agent and Requirements for an Advanced Life Support System	To amend the regulations regarding the EMS Agency Agent and the Requirements for an Advanced Life Support System
HLT-30-15-00009-P	..... 07/28/16	Requirements for Manufacturers and Distributors Regarding Controlled Substances	To clarify and use language consistent with current terminology used by the State Board of Pharmacy
HLT-39-15-00015-P	..... 09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-42-15-00016-P	..... 10/20/16	Standards for Adult Homes and Adult Care Facilities Standards for Enriched Housing	Revisions to Parts 487 and 488 in regards to the establishment of the Justice Center for Protection of People with Special Needs
HLT-43-15-00003-P	..... 10/27/16	Immediate Need for Personal Care Services (PCS) and Consumer Directed Personal Assistance (CDPA)	To implement 2015 State law changes regarding Medicaid applicants and recipients with immediate needs for PCS or CDPA
HLT-44-15-00003-P	..... 11/03/16	Transgender Related Care and Services	To amend provisions regarding Medicaid coverage of transition-related transgender care and services
HLT-44-15-00020-P	..... 11/03/16	Statewide Health Information Network for New York (SHIN-NY)	To establish the Statewide Health Information Network for NY (SHIN-NY)
HLT-46-15-00006-P	..... 01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute
HLT-47-15-00003-P	..... 11/24/16	Sexually Transmitted Diseases (STDs)	Control of Sexually Transmitted Diseases (STDs); Expedited Partner Therapy for Chlamydia Trachomatis Infection
HLT-51-15-00001-P	..... 12/22/16	General Provisions Concerning State Aid Eligibility	To clarify that rent and maintenance of space in lieu of rent (MILOR) remain eligible for State Aid

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-15-00008-P	12/22/16	Children's Camps	To include camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center
HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF			
HES-32-15-00002-EP	08/11/16	Registration of manufacturers, distributors, wholesalers, various retailers of sparkling devices	Establish the registration process, fees and reporting requirements related to sparkling devices
HES-32-15-00002-ERP	08/11/16	Registration of manufacturers, distributors, wholesalers, various retailers of sparkling devices	Establish the registration process, fees and reporting requirements related to sparkling devices
JUDICIAL CONDUCT, STATE COMMISSION ON			
JDC-47-15-00006-P	11/24/16	Practice of law before the commission	To prohibit the practice of law before the commission, by commission members, their law firms and former commission members
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-28-15-00008-EP	07/14/16	Protocols for interviewing service recipients during investigations of abuse or neglect	To enhance protections for people with special needs during investigations of abuse or neglect
LABOR, DEPARTMENT OF			
LAB-21-15-00009-RP	05/26/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees
LAW, DEPARTMENT OF			
LAW-47-15-00007-EP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons
LAW-49-15-00011-P	12/08/16	Disclosure requirements for condominium offerors renting, rather than selling, unsold condominium units	To clarify a condominium offeror's disclosure obligations in a newly-constructed, vacant, or non-residential condominium
LIQUOR AUTHORITY, STATE			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service

Action Pending Index**NYS Register/January 20, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-02-16-00014-P	..... exempt	Dynamic load management programs including direct load control, peak shaving, and contingency load relief	To establish dynamic load management programs consistent with tariff revisions approved by the PSC for the regulated utilities
LPA-02-16-00015-P	..... exempt	Community distributed generation net metering, remote net metering, and size limits for fuel cells	To authorize community distributed generation net metering and to modify provisions for remote net metering and fuel cells
MENTAL HEALTH, OFFICE OF			
OMH-44-15-00002-P	..... 11/03/16	Visitation and Inspection of Facilities	To conform existing regulations to statute and enable external entity to perform reviews and inspections
METROPOLITAN TRANSPORTATION AGENCY			
MTA-50-15-00005-P	..... 12/15/16	MTA Bus Company- Rules and Regulations	Regulate conduct on MTA buses and facilities to enhance safety and protect employees, customers, bus facilities and the public
MOTOR VEHICLES, DEPARTMENT OF			
MTV-03-16-00005-P	..... 01/19/17	Use of the Vehicle Electronic Reassignment and Integrated Facility Inventory system	To require dealers to use the Vehicle Electronic Reassignment and Integrated Facility Inventory system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-01-16-00001-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system, and to achieve covenants with the bondholders
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-47-15-00001-P	..... 11/24/16	Adding windsurfing, sailboarding and paddleboarding to the list of activities regulated by OPRHP	To authorize the regulated activity by the public of windsurfing and stand-up paddleboarding
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-42-15-00002-P	..... 10/20/16	Article 16 Clinic Services and Independent Practitioner Services for Individuals with Intellectual Disabilities (IPSIDD)	To discontinue off-site Article 16 clinic services and to add requirements for IPSIDD

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-15-00003-P	12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series
PDD-50-15-00012-P	12/15/16	Amendments to Reimbursement Methodology for Continuing Residential Leases	To make changes concerning reimbursement methodology for lease costs for continuing residential lease arrangements
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-42-15-00004-P	exempt	Rates for the Sale of Power and Energy	To recover the Authority's fixed costs
PAS-42-15-00005-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC EMPLOYMENT RELATIONS BOARD			
PRB-42-15-00014-P	10/20/16	Rules of Procedure governing matters before the Public Employment Relations Board pursuant to Labor Law, art. 20	To conform procedure under SERA to the 2010 and 2013 statutory changes, and harmonize with PERB rules
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order
*PSC-52-99-00006-P	exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower

Action Pending Index

NYS Register/January 20, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00006-P	..... exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSERDA	Modify NYSERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00011-P	..... exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDfC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00004-P	..... exempt	Approval of asset transfer.	To allow or disallow transfer of assets from Heritage Hills Water Works Corp. to Community Utilities of New York, Inc.
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-25-14-00015-P	..... exempt	Surcharges related to the System Benefits Charge, Energy Efficiency Portfolio Standard, Retail Renewable Portfolio Standard	To reduce the public benefit surcharge applicable to large industrial, commercial and institutional energy consumers
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-41-14-00011-P	..... exempt	Establishment of annual collections caps and collection and spending mechanisms as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the establishment of annual collections caps and collection and spending mechanisms
*PSC-41-14-00012-P	..... exempt	Funding and management of the NY-Sun program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of the NY-Sun program
*PSC-41-14-00013-P	..... exempt	Funding and management of the New York Green Bank as described in the Clean Energy Fund Proposal and NY Green Bank Petition	Consideration of proposal by NYSERDA for the funding and management of the New York Green Bank
*PSC-41-14-00014-P	..... exempt	Funding and management of a Market Development program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of a Market Development program
*PSC-41-14-00015-P	..... exempt	Funding and management of a Technology and Business Innovation program as described in the Clean Energy Fund Proposal	Consideration of proposal by NYSERDA for the funding and management of a Technology and Business Innovation program
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-45-14-00003-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bedford-Stuyvesant South One LLC to submeter electricity at 27 Albany Avenue, Brooklyn, NY
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-14-00006-P	..... exempt	The Northeast Power Coordinating Council, Inc's A-Criteria documents and Criteria	To adopt revisions to various rules and measurements of the Northeast Power Coordinating Council, Inc.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-52-14-00026-P	..... exempt	Community Choice Aggregation.	To consider action related to Community Choice Aggregation.
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted
PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-10-15-00010-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
PSC-12-15-00008-P	..... exempt	Minor electric rate filing	To approve an increase in annual electric revenues by approximately \$299,966 or 3.2%
PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
PSC-15-15-00005-P	..... exempt	The approval of Artech's Medium Voltage Class Metering Instrument Transformers in New York State	Whether to approve the use of Artech's Medium Voltage Class Metering Instrument Transformers in New York State
PSC-15-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-15-15-00008-P	..... exempt	Minor electric rate filing	To approve an increase in annual electric revenues by approximately \$1,197,760 or 2.48%
PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
PSC-17-15-00006-P	..... exempt	Petition to submeter electricity	To consider the request of 56th and Park (NY) LLC, to submeter electricity at 432 Park Avenue, New York, New York
PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
PSC-17-15-00009-P	..... exempt	To make clarifying tariff revisions	For approval to make clarifying revisions to Rule 28 - Special Services Performed by Company at a Charge
PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
PSC-19-15-00015-P	..... exempt	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York	To consider the request of Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York
PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
PSC-20-15-00008-P	..... exempt	Petition for rehearing and/or clarification of the Commission's Order, issued in Case 13-W-0246	To consider the petition for rehearing and/or clarification filed by the Town of Ramapo
PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00007-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 200 W. 54 Corp. to submeter electricity at 200 West 54th Street, New York, New York
PSC-24-15-00011-P	..... exempt	To consider adopting the recommendations of the Staff Report on addressing energy affordability for low income programs	To consider the Staff Report on, and recommendations of, best practices for implementing utility low income programs
PSC-25-15-00007-P	..... exempt	Waiver of certain Commission requirements related to blocking caller ID for emergency services	To allow a non-profit entity acting as an emergency service the ability to receive unblocked caller ID numbers
PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
PSC-25-15-00010-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 250 West Street Condominium to submeter electricity at 250 West Street, New York, New York
PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York
PSC-27-15-00011-P	..... exempt	Repowering options for the Cayuga Generating Facility located in Lansing, New York, and other alternatives	To establish whether utility plans should include repowering the Cayuga Generating Facility, or other alternatives

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
PSC-29-15-00016-P	..... exempt	A benefit-cost framework will be adopted to guide utility proposals within the context of REV and related proceedings	To develop a method for valuing resources that will further REV objectives
PSC-29-15-00017-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund
PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
PSC-29-15-00020-P	..... exempt	Whether to waive the requirement that the customer have telecommunications service in place 30 days prior to July 1, 2015	To waive the requirement that the customer have telecommunications service in place 30 days prior to July 1, 2015
PSC-29-15-00022-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 92nd and 3rd Associates, LLC to submeter electricity at 205 East 92nd Street, New York, New York
PSC-29-15-00023-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bridge Land Hudson LLC to submeter electricity at 261 Hudson Street, New York, New York
PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-30-15-00003-P	..... exempt	Petition to transfer and merge systems, franchises and assets and issue debt.	To consider the Charter and Time Warner Cable merger and transfer of systems, franchises and assets and issuance of debt.
PSC-31-15-00004-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00005-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00006-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-31-15-00010-P	..... exempt	Whether to approve, reject or modify, in whole or in part, revisions to Appendix B of the December 12, 2014 Order	To revise Appendix B of the December 12, 2014 Order
PSC-31-15-00013-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018

Action Pending Index

NYS Register/January 20, 2016

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-15-00014-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00015-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's gas portfolio for the years 2016-2018
PSC-31-15-00016-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00017-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plans	To establish Energy Efficiency Budget and Metrics Plans for the Companies' electric portfolios for the years 2016-2018
PSC-31-15-00018-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plans	To establish Energy Efficiency Budget and Metrics Plans for the Companies' gas portfolios for the years 2016-2018
PSC-31-15-00019-P	..... exempt	Proposed electric Energy Efficiency Budget and Metrics Plan	To establish an Energy Efficiency Budget and Metrics Plan for the Company's electric portfolio for the years 2016-2018
PSC-31-15-00020-P	..... exempt	Proposed gas Energy Efficiency Budget and Metrics Plans	To establish Energy Efficiency Budget and Metrics Plans for the Companies' gas portfolios for the years 2016-2018
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
PSC-32-15-00007-P	..... exempt	Approval of cost recovery and incentive mechanisms for the NWA Project.	To approve the cost recovery and incentive mechanisms for the NWA Project.
PSC-32-15-00009-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To consider amendments to the Uniform Business Practices of ESCOs.
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-33-15-00006-P	..... exempt	Recovery of costs related to an RSSA.	To recover costs related to an RSSA for services from R.E. Ginna Nuclear Power Plant, LLC.
PSC-33-15-00008-P	..... exempt	Existing ratemaking, rate design and regulatory practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-15-00014-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Herkimer Street Residence, L.P. to submeter electricity at 437 Herkimer Street, Brooklyn, New York
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00008-P	..... exempt	Major electric revenue increase	To consider an increase to its annual electric revenues by approximately \$857,227 or 6.2%
PSC-35-15-00009-P	..... exempt	Deferral of incremental storm restoration expenses	Consideration of Central Hudson Gas & Electric's request to defer incremental expenses incurred during storm restoration work
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts
PSC-35-15-00012-P	..... exempt	Consideration of consequences against Spectrum Gas & Electric, LLC for violations of the UBP	To consider consequences against Spectrum Gas & Electric, LLC for violations of the UBP
PSC-35-15-00013-P	..... exempt	Consideration of consequences against Energy Your Way, LLC for violations of the UBP	To consider consequences against Energy Your Way, LLC for violations of the UBP
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-35-15-00015-P	..... exempt	Consideration of consequences against National Power & Gas, Inc. for violations of the UBP	To consider consequences against National Power & Gas, Inc. for violations of the UBP
PSC-35-15-00016-P	..... exempt	Consideration of consequences against Engineered Energy Solutions, LLC for violations of the UBP	To consider consequences against Engineered Energy Solutions, LLC for violations of the UBP
PSC-35-15-00017-P	..... exempt	Consideration of consequences against Ipsum Solutions, Inc. for violations of the UBP	To consider consequences against Ipsum Solutions, Inc. for violations of the UBP
PSC-36-15-00025-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of 42 West Broad Developers LLC to submeter electricity at 42 Broad Street West, Mount Vernon, New York.
PSC-37-15-00006-P	..... exempt	Major electric rate filing	To consider an increase in NYSEG's electric delivery revenues by approximately \$122 million or 16.8%
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-37-15-00008-P	..... exempt	Major gas rate filing	To consider an increase in NYSEG's gas delivery revenues by approximately \$36.3 million or 19.1%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-15-00009-P	..... exempt	Major electric rate filing	To consider an increase in RG&E's electric delivery revenues by approximately \$53 million or 12.1%
PSC-37-15-00010-P	..... exempt	Major gas rate filing	To consider an increase in RG&E's gas delivery revenues by approximately \$21.8 million or 31.1%
PSC-37-15-00012-P	..... exempt	Issuance by Corning of long-term indebtedness	To consider Corning's petition for authority to issue approximately \$34.7 million in long-term debt
PSC-38-15-00007-P	..... exempt	Report of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 3	To consider the report of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 3
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
PSC-39-15-00008-P	..... exempt	Minor water rate filing	To consider an increase in Windham Ridge Water Corp.'s annual water revenues by approximately \$15,059 or 24.8%
PSC-39-15-00010-P	..... exempt	Major gas revenue increase	To consider an increase to its annual gas revenues by approximately \$1,228,000 or 2.96%
PSC-39-15-00011-P	..... exempt	A joint proposal filed on September 9, 2015	Resolution of Cases 09-M-0114 and 09-M-0243 regarding alleged imprudent contractor-related construction expenditures
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-39-15-00013-P	..... exempt	Revisions to General Information Section 15 to allow recovery of certain NYISO tariff charges related to transmission projects	To consider revisions to General Information Section No. 15 to allow for recovery of certain NYISO charges
PSC-39-15-00014-P	..... exempt	Revisions to General Rule No. 25.1 to allow recovery of certain NYISO tariff charges related to transmission projects	To consider revisions to General Rule No. 25.1 to allow for recovery of certain NYISO charges related to transmission projects
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00013-P	..... exempt	Issuance by Niagara Mohawk Power Corporation d/b/a National Grid of Long-Term indebtedness of up to \$2.07 billion	To consider a petition for authority to issue long-term indebtedness in the amount of up to \$2.07 billion until March 31, 2020
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
PSC-41-15-00004-P	..... exempt	Whether to permit the use of the Enetics NILM Recorders	To consider permitting the use of the Enetics NILM Recorders
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-15-00006-P	..... exempt	The addition of General Information Section 45 - Empire Zone Rate to Central Hudson's electric tariff	To consider the addition of General Information Section 45 - Empire Zone Rate to Central Hudson's electric tariff
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00008-P	..... exempt	Petition for deferral and recovery of lost revenue resulting from Central Hudson's proposed Empire Zone (EZ) Rate	To consider Central Hudson's petition for deferral and recovery of lost revenue resulting from its proposed EZ Rate provision
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-41-15-00012-P	..... exempt	Changes to the Commercial Demand Response programs, as well as conforming tariff revisions	To consider changes to the Commercial Demand Response programs, as well as conforming tariff revisions
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of Sandy Clarkson LLC to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.
PSC-42-15-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of 560 West 24th Street Condominium to submeter electricity at 552 West 24th Street, New York, New York.
PSC-42-15-00009-P	..... exempt	Revised method for assigning anniversary dates to net-metered residential PV customers.	To consider a revised method for assigning anniversary dates to net-metered residential PV customers.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00011-P	..... exempt	Proposed transfer of ownership interests in Cayuga Operating Company, LLC and Somerset Operating Company, LLC.	To consider proposed transfer of ownership interests in Cayuga Operating Company, LLC and Somerset Operating Company, LLC.
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.
PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-44-15-00021-P	..... exempt	AMI Business Plan of Con Edison	To consider Con Edison's AMI Business Plan
PSC-44-15-00022-P	..... exempt	Cost recovery mechanism	To consider the addition of components to RG&E's Supply Charge for RG&E to recover costs for the NY Transco LLC projects

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-15-00023-P	..... exempt	Cost recovery mechanism	To consider the addition of components to NYSEG's Supply Charge for NYSEG to recover costs for the NY Transco LLC projects
PSC-44-15-00024-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center	To identify the proposed projects for inclusion in the Indian Point Energy Center reliability contingency plan(s)
PSC-44-15-00025-P	..... exempt	Distributed System Implementation Plan Guidance	To consider DPS Staff's proposal regarding the filing of Distributed System Implementation Plans by utilities
PSC-44-15-00026-P	..... exempt	Transfer of water supply assets.	To consider the transfer of the water supply assets of Beekman Water Company, Inc. to the Town of East Fishkill.
PSC-44-15-00027-P	..... exempt	To establish a surcharge to recover costs due to unexpected repairs	To consider the recovery of expenses incurred as a result of having to replace two well pumps and electrical repairs
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00029-P	..... exempt	Rider L - Direct Load Control (DLC) program and Residential Smart Appliance Program (RSAP)	To consider enhancing the DLC program and RSAP by expanding and increasing flexibility of both programs
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-44-15-00031-P	..... exempt	Transfer ownership of property	To consider the transfer of street lighting assets to the Town of Greece
PSC-44-15-00032-P	..... exempt	Rider H - Non Residential Distributed Generation	To consider revisions to Rider H to allow for the aggregation of distributed generation capacity under certain circumstances
PSC-45-15-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of One Vandam Condominium to submeter electricity at 180 Avenue of the Americas, New York, New York.
PSC-47-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 150 Charles Street Holdings LLC to submeter electricity at 150 Charles Street, New York, New York
PSC-47-15-00009-P	..... exempt	Addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity	To consider the addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity
PSC-47-15-00010-P	..... exempt	Use of the AMETEK JEMStar II Digital Power Meter	To consider permitting the use of AMETEK Power Instrument's JEMStar II Digital Power Meter for electric metering applications
PSC-47-15-00011-P	..... exempt	SIR and the interconnection of Distributed Generation	Consider SIR and the interconnection of Distributed Generation
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-15-00014-P	..... exempt	The calculation of NYSEG and RG&E's Percent of Estimate customer service quality metric for February 2015.	To consider a petition by NYSEG and RG&E to normalize the February 2015 level of meter reading estimates.
PSC-47-15-00015-P	..... exempt	Petition to transfer and merge telephone and cable systems, franchises and assets and issue debt.	Consider the the proposed acquisition of Cablevision, its systems, franchises and assets, by Altice and the issuance of debt.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00006-P	..... exempt	Petition to waive monthly billing for certain net-metered customers	To consider the request of Central Hudson to continue bimonthly meter reading and billing for certain net-metered customers
PSC-49-15-00007-P	..... exempt	Petition to transfer assets of AOMNE to NYAW	To consider the petition to transfer assets of AOMNE to NYAW
PSC-49-15-00008-P	..... exempt	Request of the New York Independent System Operator, Inc. to incur indebtedness	To consider a petition filed by the New York Independent System Operator, Inc. to incur indebtedness
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-49-15-00010-P	..... exempt	Proposed revisions to Rule 34 - Economic Development Programs and SC No. 12 - Special Contract Rates	To consider revisions to Rule 34 - Economic Development Programs and SC No. 12 - Special Contract Rates
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00007-P	..... exempt	Collaborative Report on proposed consumer protections for the low income customers of energy services companies.	To consider the Collaborative Report on proposed consumer protections for the low income customers of energy services companies.
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00009-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 17.5%	To consider an Installed Reserve Margin for the Capability Year beginning May 1, 2016, and ending April 30, 2017
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-51-15-00013-P	..... exempt	Waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions	To consider a waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-15-00013-P	..... exempt	The addition of third party financing options for Distributed Generation (DG), Natural Gas Vehicle (NGV) and Prime-WNY Programs.	To consider the addition of third party financing options for the DG, NGV and Prime-WNY Programs.
PSC-52-15-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of EO 180 Water LLC to submeter electricity at 180 Water Street, New York, New York.
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.
PSC-52-15-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of G-Z/10 UNP Realty, LLC to submeter electricity at 823 First Avenue, New York, New York.
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses
PSC-01-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 10 Madison Square West to submeter electricity at 10 Madison Square West, New York, NY
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
PSC-02-16-00007-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider Orange and Rockland Utilities, Inc.'s petition to address the application of the earnings sharing mechanism.
PSC-02-16-00008-P	..... exempt	Establishment of the regulatory regime and financing applicable to certain electric transmission facilities.	Consideration of a lightened regulatory regime and financing for certain electric transmission facilities.
PSC-02-16-00009-P	..... exempt	Proposed revisions to SC Nos. 1 and 2 to include net metering services for solar and wind generation.	To consider revisions to SC Nos. 1 and 2 to include net metering services for solar and wind generation.
PSC-02-16-00010-P	..... exempt	The 2015 Electric Emergency Response Plans for New York's six major electric utilities.	To consider the 2015 Electric Emergency Response Plans for New York's six major electric utilities.
PSC-02-16-00011-P	..... exempt	Proposed tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.	To consider tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.
PSC-02-16-00012-P	..... exempt	NYSEG's procedures, terms and conditions of its Targeted Financial Assistance Program.	Provide additional economic development program assistance for a new manufacturing facility.
PSC-02-16-00013-P	..... exempt	Tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.	To consider tariff revisions intended to clarify HEFPA requirements related to court orders for gaining access to meters.
PSC-03-16-00006-P	..... exempt	A proposal to use certain deferred credits to offset costs associated with incremental capital expenditures	To consider the use of certain deferred credits to offset costs associated with capital expenditures and other related relief

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-16-00007-P	..... exempt	Petition to submeter electricity	To consider the Petition of Longhouse Cooperative to submeter electricity at 772 Elm Street Extension, Ithaca, New York
PSC-03-16-00008-P	..... exempt	Petition to submeter electricity	To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York
STATE, DEPARTMENT OF			
DOS-22-15-00017-P	..... 06/02/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
DOS-28-15-00004-EP	..... 08/30/16	Installation of carbon monoxide detecting devices in commercial buildings	To amend the State Uniform Fire Prevention and Building Code (Uniform Code) by adding standards requiring the installation of carbon monoxide detecting devices in every commercial building
DOS-47-15-00016-P	..... 01/28/17	State Energy Conservation Construction Code (the "Energy Code")	To repeal the existing Energy Code and to adopt a new, updated Energy Code
DOS-47-15-00017-P	..... 01/27/17	Adopt updated provisions for the Uniform Fire Prevention and Building Code ("Uniform Code")	To repeal the existing text of the Uniform Code and adopt updated text for the Uniform Code
DOS-49-15-00003-P	..... 12/08/16	Cemetery annual financial reports; commercial crime coverage; and permanent maintenance fund contributions	To reduce the financial reporting burden and expense on cemeteries and ensure timely, accurate and complete reports are filed
STATE UNIVERSITY OF NEW YORK			
SUN-38-15-00002-P	..... 09/22/16	Proposed amendments to traffic and parking regulations at State University of New York University at Buffalo	Amend existing regulations to update traffic and parking regulations
SUN-45-15-00001-P	..... 11/09/16	To name a new street under construction on the Stony Brook Medical Center	To more clearly define traffic patterns at the Medical Center of Stony Brook University
SUN-47-15-00005-EP	..... 11/24/16	College tuition and fees	To amend the tuition and fees to allow for resident or in-state tuition to certain veterans and their dependents
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-49-15-00004-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2016 through March 31, 2016
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-20-15-00001-P	..... 05/19/16	Information appropriate for victims of sexual assault	To require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with Chapter 427 of the Laws of 2009
TDA-22-15-00005-P	..... 06/02/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-27-15-00002-P	07/07/16	Child support federal incentive payments	To update State procedures to distribute federal child support incentives and allocate portions thereof to local districts
TDA-37-15-00005-P	09/15/16	Monthly Shelter Supplements	To update State regulations to reflect current State law
TDA-39-15-00016-P	09/29/16	Temporary Housing Placements	Adjust the rate approval process for temporary housing placements and expand the scope of inspections for such placements
TDA-45-15-00011-P	11/09/16	Burden of proof at fair hearings challenging Interim Assistance Reimbursement (IAR) amounts	Clarify existing State regulations relative to fair hearings and render them consistent with New York State court precedents
TDA-45-15-00012-P	11/09/16	Public Assistance (PA) resources exemption for four-year accredited post-secondary educational institutions	To update State regulation governing PA resources exemption, rendering it consistent with Chapter 58 of the Laws of 2014
TDA-46-15-00005-P	11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-47-15-00004-P	11/24/16	Child Support Program	Amend regulatory requirements concerning the distribution and disbursement of child support collections
TDA-03-16-00001-P	01/19/17	Referrals of human trafficking victims from established providers of social or legal services	Conform State regulations to referral requirements of Chapter 368 of the Laws of 2015
TRANSPORTATION, DEPARTMENT OF			
TRN-45-15-00002-P	11/09/16	Liability insurance policies required for Highway Work Permits	To make it easier and less costly for permittees to obtain the liability coverage necessary to obtain Highway Work Permits
TRN-47-15-00002-P	11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRN-48-15-00005-P	12/01/16	Updates to various household goods provisions	Updates various household goods provisions
WORKERS' COMPENSATION BOARD			
WCB-14-15-00009-P	04/07/16	Health Insurance Matching Program (HIMP)	Provide the process for health insurers to recover from workers' compensation carriers
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00020-P	11/09/16	Requests for Administrative Review	To clarify the process for requesting administrative review and full Board review including requests for reconsideration
WCB-45-15-00021-P	11/09/16	Convene Board hearings by electronic means	Permit the Chair to convene Board hearings by electronic means
WCB-45-15-00022-P	11/09/16	Voluntary Binding Review of Decisions	To permit parties to a workers' compensation case to enter into voluntary binding review of issues related to compensation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-45-15-00023-P	11/09/16	Permitted expenses for funerals	To increase the permitted amount for reimbursement of funeral and memorial services for work related deaths
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal
WCB-45-15-00027-P	11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

3118 W Lake REIT, LLC
801 Grand Ave., Des Moines, IA 50309

Ailanthus Capital Partners (QP), LP
61 Broadway, Suite 2825, New York, NY 10006
Partnership — Ailanthus Capital, LLC

Ajax Fund, L.P.
80 Hamilton Ave., Suite 101, Trenton, NJ 08611
Partnership — Ajax Capital Management, LLC

American Independence Funds Trust
1345 Avenue of the Americas, 2nd Fl., New York, NY 10105
State or country in which incorporated — Delaware

BBR Absolute Return Long Duration, LP
140 E. 45th St., 26th Fl., New York, NY 10017
Partnership — BBR General Partner, LLC

Bodri Capital Management, LLC
290 Lowell Ave., Palo Alto, CA 94301
State or country in which incorporated — California

Cello Fixed Income Domestic Fund, LP
12 E. 49th St., 22nd Fl., New York, NY 10017
Partnership — Cello Capital GP, LLC

Coleman Village REIT, LLC
801 Grand Ave., Des Moines, IA 50309

DIH Lawrence, LLC
400 Park Ave., Suite 1620, New York, NY 10022
Partnership — Dome GP, LLC

DZGF LLC
237 St. James Place, Philadelphia, PA 19106
State or country in which incorporated — Pennsylvania

Efferent Labs, Inc.
701 Ellicott St., Buffalo, NY 14203
State or country in which incorporated — Delaware

FLRish, Inc.
P.O. Box 222416, Carmel, CA 93922
State or country in which incorporated — California

Frisco REIT, LLC
801 Grand Ave., Des Moines, IA 50309

Gamma Lending Opportunities LP
101 Park Ave., Suite 2602, New York, NY 10178
Partnership — GRE Lending Opportunities LLC

Gelesis, Inc.
501 Boylston St., Suite 6102, Boston, MA 02116
State or country in which incorporated — Delaware

IFM Fintech Opportunities LP
c/o IFM Fintech Opportunities GP Limited, One London Wall, 6th
Fl., London EC2Y 5EB United Kingdom
Partnership — IFM Fintech Opportunities GP Limited

M-Line Tower REIT, LLC
801 Grand Ave., Des Moines, IA 50309

Macritchie Storage Fund I, LP
c/o Macritchie Storage LLC, 435 4th Ave. SW, Suite 725, Calgary,
Alberta T2P 3A8
Partnership — Macritchie Storage LLC

Metro East Valley REIT, LLC
801 Grand Ave., Des Moines, IA 50309

Nevada Sunrise Gold Corporation
Suite 1100-1111 Melville St., Vancouver, British Columbia, Canada
V6E 3V6
State or country in which incorporated — Canada

OncoCyt Corporation
1301 Harbor Bay Pkwy., Alameda, CA 94502
State or country in which incorporated — California

Orchard Parkway Phase II REIT, LLC
801 Grand Ave., Des Moines, IA 50309

Oribel Capital Partners, LP
477 Madison Ave., Suite 520, New York, NY 10022
Partnership — Oribel Capital GP, LLC

Oribel Capital Partners Offshore, Ltd.
c/o CO Services Cayman Limited, P.O. Box 10008, Willow House,
Cricket Sq., Grand Cayman, Cayman Islands KY1-1001
State or country in which incorporated — Cayman Islands

PEPF Courts at Spring Mill REIT, LLC
801 Grand Ave., Des Moines, IA 50309

PEPF Hingham Shipyard REIT, LLC
801 Grand Ave., Des Moines, IA 50309

PEPF Shortbread REIT, LLC
801 Grand Ave., Des Moines, IA 50309

Polaris KS3, LP
4104 24th St., Unit 750, San Francisco, CA 94114
Partnership — Polaris KS3 GP, LLC

Reef 2015 Income Fund, L.P.
1901 N. Central Expy., Suite 300, Richardson, TX 75080
Partnership — REI Energy, LLC 2015 Series 1

Sapience Therapeutics, Inc.
73 Market St., Suite 376, Yonkers, NY 10710
State or country in which incorporated — Delaware

Simplifund Inc.
516 Stanyan St., Apartment 1, San Francisco, CA 94117
State or country in which incorporated — Delaware

Strategic Equity Capital II LLC
129 Lafayette St., Suite 6B, New York, NY 10013

Summit Partners Entrepreneur Advisors Fund II, L.P.
222 Berkeley St., 18th Fl., Boston, MA 02116
Partnership — Summit Partners Entrepreneur Advisors GP II, LLC

VPC Partners IX LLC
c/o VestaPoint Capital LLC, 941 W. Morse Blvd., Suite 100, Winter Park, FL 32789

VPC Partners VIII LLC
c/o VestaPoint Capital LLC, 941 W. Morse Blvd., Suite 100, Winter Park, FL 32789

WebFinancial Holding Corporation
590 Madison Ave., 32nd Fl., New York, NY 10022
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOF

Woodbourne Correctional Facility
Woodbourne, Sullivan County

Sealed bids for Project No. M3062-C, for Construction Work, Replace Roof, Administration Building 1, Woodbourne Correctional Facility, 99 Prison Road, Woodbourne (Sullivan County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 27, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$21,800 for C.

Further, Wicks Exempt Projects require a completed BDC 59 be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the

Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 240 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 14, 2016 at Woodbourne Correctional Facility, 99 Prison Road, Woodbourne, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Sue VanAlstyne, (518) 894-5137 between the hours of 7:00 am and 3:30 pm. Need 72 advance notice of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

REMEDIATE

FUEL SPILL

Troop B Subheadquarters
Tupper Lake, Franklin County

Sealed bids for Project No. 44604-C, for Construction Work, Environmental Remediation Fuel Spill, Troop B Subheadquarters, 1962 Route 30, Tupper Lake (Franklin County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower,

Empire State Plaza, Albany, NY 12242, on behalf of the New York State Police, until 2:00 p.m. on Wednesday, January 27, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$77,100 for C.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 180 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 12, 2016 at Troop B Subheadquarters, 1960 Route 30, Tupper Lake, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Bruce Daley (518) 492-2200 Ext. 105.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available

on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

RENOVATE
SHU, LOBBY ELEVATORS
Green Haven Correctional Facility
Stormville, Dutchess County

Sealed bids for Project Nos. 44969-C, 44969-H, 44969-P, 44969-E, 44969-U, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, Electrical Work and Elevator Work, Renovate SHU & Lobby Elevators, Green Haven Correctional Facility, Route 216, Stormville (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, February 3, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$16,700 for C, \$3,800 for H, \$600 for P, \$20,400 for E and \$48,200 for U.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C, between \$25,000 and \$50,000 for H, under \$25,000 for P, between \$250,000 and \$500,000 for E and between \$1,000,000 and \$2,000,000 for U. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 420 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 21, 2016 at Green Haven Correctional Facility, OGS Field Office Trailer, Route 216, Stormville, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Shannon Landolfi, (845) 831-3111 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewycky, Deputy Director
OGS - Design & Construction Group

IMPROVE SECURITY

Hudson Correctional Facility
Hudson, Columbia County

Sealed bids for Project Nos. 45384-C, 45384-H, 45384-P, 45384-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Various Security Improvements, Building 62, Hudson Correctional Facility, East Court Street, Hudson (Columbia County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 20, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$71,500 for C, \$28,000 for H, \$37,500 for P, and \$21,000 for E. These are cost plus percentage fee contracts.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, for 100% of the amount of the Contract value of \$2,200,000 for C, \$700,000 for H, \$1,000,000 for P and \$300,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax

(518) 473-7862 and John Lewycky, Director of Contract Administration, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be done in accordance with the substantial completion dates noted in the Summary of the Work (Specification Section 011000) after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 1:00 p.m. on January 7, 2016 at Hudson Correctional Facility, East Court Street, Hudson, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Karen Disonell, (518) 731-8290 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewycky, Deputy Director
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on February 4, 2016, in Grantville, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 10, 2016, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is February 15, 2016.

DATES: The public hearing will convene on February 4, 2016, at 7:00 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is February 15, 2016.

ADDRESSES: The public hearing will be conducted at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, PA 17028 (parking lot entry off of Manada Gap Road; see www.easthanovertpdcpa.org/index.php/about-contact).

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at www.srb.net/wrp.

Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srb.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action:

1. Project Sponsor and Facility: Anadarko E&P Onshore LLC

(Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 1.340 mgd (peak day) (Docket No. 20120301).

2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.115 mgd (30-day average) from Dug Road Well.

3. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.038 mgd (30-day average) from Hilltop Well.

4. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Midway Well 1.

5. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.110 mgd (30-day average) from Midway Well 2.

6. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20120303).

7. Project Sponsor and Facility: East Berlin Area Joint Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.072 mgd (30-day average) from Well 1.

8. Project Sponsor and Facility: East Berlin Area Joint Authority, Reading Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.108 mgd (30-day average) from Well 2.

9. Project Sponsor and Facility: East Berlin Area Joint Authority, East Berlin Borough, Adams County, Pa. Application for groundwater withdrawal of up to 0.058 mgd (30-day average) from Well 4.

10. Project Sponsor and Facility: East Berlin Area Joint Authority, East Berlin Borough, Adams County, Pa. Application for renewal with modification to increase groundwater withdrawal limit by an additional 0.048 mgd (30-day average), for a total of up to 0.072 mgd (30-day average) from Well 5 (Docket No. 19860601).

11. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 3A.

12. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from Well 4.

13. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 5.

14. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.022 mgd (30-day average) from Well 6.

15. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, Pa. Application for

groundwater withdrawal of up to 0.046 mgd (30-day average) from Well 7.

16. Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.740 mgd (peak day) (Docket No. 20120307).

17. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).

18. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).

19. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).

20. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, Pa. Modification to increase withdrawal limit from Well 2 by 0.105 mgd (30-day average), for a total Well 2 withdrawal limit of 1.270 mgd (30-day average), and to increase the combined withdrawal limit by an additional 0.199 mgd (30-day average), for a total combined withdrawal limit of 1.799 mgd (30-day average) from Wells 1 and 2 (Docket No. 20110617).

21. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 5.

22. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 6.

23. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.126 mgd (30-day average) from Well 7.

24. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.276 mgd (30-day average) from Well 8.

25. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, Pa. Application for groundwater withdrawal from the Argyle Stone Bridge Well as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

26. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, Pa. Application for groundwater withdrawal from the Cresson No. 9 Well as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

27. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from the Gallitzin Shaft Well 2A (Gallitzin Shaft #2) as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

28. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from the Gallitzin Shaft Well 2B (Gallitzin Shaft #1) as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

29. Project Sponsor and Facility: SWN Production Company, LLC

(Susquehanna River), Mehoopany Township, Wyoming County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

30. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20120311).

31. Project Sponsor and Facility: SWN Production Company, LLC (Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.218 mgd (peak day) (Docket No. 20120312).

Project Scheduled for Action Involving a Diversion:

1. Project Sponsor: Gas Field Specialists, Inc. Project Facility: Wayne Gravel Products Quarry, Ceres Township, McKean County, Pa. Application for into-basin diversion from the Ohio River Basin of up to 1.170 mgd (peak day).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project listed above. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Rules of conduct will be posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed above may also be mailed to Mr. Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before February 15, 2016, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: December 30, 2015.

Stephanie L. Richardson

Secretary to the Commission.

PUBLIC NOTICE

Division of Criminal Justice Services DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the DNA Subcommittee to be held on:

Date: Feb. 5, 2016
Time: 9:30 A.M.-11:30 A.M.
Place: Empire State Development Corporation (ESDC)
633 3rd Ave.
38th Fl./Governors' Press Rm.
New York, NY

Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, contact:* Catherine White, Division of Criminal Justice Services, Office of Forensic Services, 80 S. Swan St., Albany NY (518) 485-5052

PUBLIC NOTICE

Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation on Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the South Plattsburgh Fire District, County of Clinton.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to: Bryant D. Stevens, State Fire Administrator, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2, Albany, NY 12226

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

For further information, please contact: Branch Chief John Gilmore, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2, Albany, NY 12226, (518) 474-6746, John.Gilmore@dhses.ny.gov

PUBLIC NOTICE

Department of State

F-2015-0736

Date of Issuance – January 20, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2015-0736, Michael Niamonitakis, is proposing to construct a 10' by 12' extension at the terminus of his existing pier located at 13220 Main Rd. East Marion in Suffolk County. The stated purpose of the proposed action is to "Provide additional area for seating."

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, February 19, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2015-0999

Date of Issuance – January 20, 2016

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2015-0999, the City of Hudson, is proposing the Storm Sewer Separation Project. The proposed action would occur along State, Columbia and Front streets in the City of Hudson. The proposed action requires no federal permits but proposes to utilize federal funding through the Community Development Block Grant program.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or February 19, 2016.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

